

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION (ST.) NO. 7485 OF 2019 IN
WRIT PETITION NO. 10494 OF 2015

SANJAY SHIVAJI DAPSE
VERSUS
SHEVANTA SUBHASH FUND AND OTHERS

...
Mr. Amol Joshi, Advocate h/f. Mr. Rajendra S. Deshmukh, Advocate
for applicant

Mr. S.V. Natu, Advocate for respondents no. 1 to 6 in WP
Mr. G.O. Wattamwar, AGP for respondent - State

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CORAM : SUNIL P. DESHMUKH, J.
DATE : 13-03-2020

ORDER :

1. By consent of the parties, review application is taken up for hearing.

2. Learned counsel for review applicant contends that Subhash Ramoji Fund had been owner of property under writ petition, however, before his death on 05-09-2004, he had executed an agreement of sale in 2001 in his favour. Despite the same, legal heirs of Subhash Fund have purportedly executed sale deed in favour of respondent no. 6. After the sale deed, some mutations were mooted at the instance of the petitioner and were accordingly recorded. To this, the review applicant had objected to and same had been sustained all through until the high court. He submits that the revenue authorities had directed writ petitioners

to assert their claims before civil court. For want of appearance in the writ petition, the orders of revenue authorities could not be defended.

3. Learned counsel for respondents Mr. Natu submits that there is no substance in the review application. It is not the case of review applicant that pursuant to alleged agreement of sale any further movement has been made in respect of having title to the property. In the circumstances, the decisions by revenue authorities with reference to alleged agreement of sale and moreover, directing petitioner to have claims settled through civil court were under absolutely erroneous approach and were untenable. It is not the case of review applicant that the title had been perfected with reference to agreement of sale. The position in law is clear that agreement of sale would not vest a person with title of the property and much less, if the same is in the realm of allegations. He submits that this legal situation is unalterable. He further refers to that revenue entries hardly affect civil rights of the parties.

4. Having regard to that the review applicant has not placed anything on record in respect of any further action with reference to alleged agreement of sale and that the title having been acquired pursuant to the same. In the circumstances, on merits, it does not appear that the review application carries any

substance. None of the grounds required for entertaining a review application appear to be subsisting. In view of the same, review application is dismissed.

[SUNIL P. DESHMUKH]
JUDGE

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