

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Misc.Civil Application No.24 of 2021
In
Writ Petition No.6196 of 2017 (Decided)

Matsya Vyavasaya Sahakari Sanstha, Brahmanwada
Thadi, Tahsil Chndur Bazar, District Amravati, ...Petitioner
thorough its President, Shri Waman Somaji Amzare

Versus

The State of Maharashtra through its Secretary of
Agriculture, Animal Husbandary, Dairy Development
and Fisheries Department, Mantralaya, Mumbai and ...Respondents
others

Smt. S.W. Deshpande, Advocate for the Applicant/Respondent No.4.
Mrs. K. R. Deshpande, AGP for the Respondent Nos.1 to 3 and 5 - State
Shri O.A. Ghare, Advocate for the Original Petitioner.

**CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.**

DATED : 17 FEBRUARY 2021

P.C.:

This Miscellaneous Civil Application is filed with a prayer as
under:

*“i. quash and set aside the impugned judgment dated
03.02.2020 passed by this Hon’ble court in WP.6196/2017 and
after hearing pass appropriate order and judgment to meet the
ends of justice.”*

2. The prayer for the review is carelessly drafted. Two contentions are raised; firstly, that the order under review is passed on incorrect factual and legal position; secondly, the Respondent No.4, i.e. the applicant herein was not represented.

3. As regards the first ground is concerned that the order is wrong is not a ground for review. The remedy for the Applicant lies in challenging the said order.

4. As regards the Applicant-Respondent No.4 not being represented, an assertion is made in paragraph No.12 of the Application as follows:

“12. The undersigned counsel for the applicant / respondent no.4 sought information on internet in respect of WP 6196/2017 and came to know that though the name of Advocate Shrirang Bhandarkar appears in some of the orders in WP 6196/2017, on personal verification with the said Adv. came to know that he had no instructions, neither he filed his power. Advocate Bhandarakar has assured to file an Affidavit to that effect, if needed. Thus, the applicant / respondent No.4 in this matter went unrepresented throughout. Since the applicant / respondent no.4 came to know about the decision in WP 6196.2017 only on receipt of respondent no.2’s letter dated 12.10.2020, the present review application is tenable and also in the light of this Hon’ble Court’s decision dated 04.04.2018 in CAO 44/2018 in WP 4974/2014, Article 124 of the Limitation Act, 1963 cannot govern these proceedings and as such Civil Application praying for condonation of delay is not required.”

5. We have perused the record of the Petition. In this Petition, the notice was issued on 21 September 2017. The Farad Sheet shows the appearance of the Advocates for the Respondent No.4. We called for a Second Part of the Petition and found that the Vakalatnama of as much as eight Advocates with their signatures is on record. These advocates are: Adv. S.P. Bhandarkar, Adv. A.S. Bhandarkar, Adv. R.M. Pande, Adv. R.S. Rathod, Adv. Chetan Sharma, Adv. S.K. Bhandarkar, Adv. D.A. Wadpalliwar and Adv. Apeksha Dhakulkar. This Vakalatnama also bears stamp and signature of the Respondent No.4. Thus an incorrect and irresponsible assertion is made in the Application.

6. Respondent No.4 was served and was represented through no less than eight advocates. This Court has made various electronic facilities including text messages and emails available to the advocates to keep track of the matter.

7. No case for Review is made out. The Miscellaneous Civil Application is rejected.

[ANIL S. KILOR, J.]

[NITIN JAMDAR, J.]