

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

955 CIVIL APPLICATION NO.16263 OF 2022
IN RAST/34831/2021 WITH RA(ST)/34831/2021 IN WP/15159/2019
WITH CA/16264/2022 IN RAST/34831/2021
THE ZILLA PARISHAD, BEED THROUGH ITS AUTHORIZED OFFICER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
1008 REVIEW APPLICATION (CIVIL) NO.319 OF 2022
IN WP/1908/2021
THE ZILLA PARISHAD BEED THROUGH ITS AUTHORIZED OFFICER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
1009 REVIEW APPLICATION (CIVIL) NO.320 OF 2022
IN WP/4970/2021 WITH CA/16237/2022 IN RA/320/2022 WITH CA/
16238/2022 IN RA/320/2022
THE ZILLA PARISHAD BEED THROUGH ITS AUTHORISED OFFICER
PARSHURAM BAPPASAHEB ARSUL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
1010 REVIEW APPLICATION (CIVIL) NO.321 OF 2022
IN WP/1127/2021 WITH CA/16248/2022 IN RA/321/2022 WITH CA/
16249/2022 IN RA/321/2022
THE ZILLA PARISHAD THROUGH ITS AUTHORIZED OFFICER JAILAL
HIRALAL RAJPUT
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
1011 REVIEW APPLICATION (CIVIL) NO.322 OF 2022
IN WP/3807/2021 WITH CA/16252/2022 IN RA/322/2022 WITH CA/
16253/2022 IN RA/322/2022
THE ZILLA PARISHAD, BEED THROUGH ITS AUTHORIZED OFFICE

VERSUS
THE STATE OF MAHARASHTRA

WITH
**1012 REVIEW APPLICATION (CIVIL) NO.323 OF 2022
IN WP/1252/2021 WITH CA/16260/2022 IN RA/323/2022 WITH CA/
16259/2022 IN RA/323/2022**

THE ZILLA PARISHAD, BEED THROUGH IT'S AUTHORIZED OFFICER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.P.D.Suryawanshi, Advocate for the applicants.
Mr.S.K.Tambe, Mr.PS.Patil, AGPs' for State.

**(CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.)**

DATE : DECEMBER 09, 2022

PER COURT :

1. Heard the learned Advocates for the respective sides on the civil applications seeking condonation of delay. The delay is neither deliberate nor inordinate. Laches are not attributed to the conduct of the applicants. Considering the law laid down by the Hon'ble Supreme Court in **Collector, Land Acquisition Anantnag and another Vs. Mst. Katiji and others [(1987) 2 SCC 107]** and in **Esha Bhattacharjee Vs.Managing Committee of Raghunathpur Nafar Academy and others [(2013)12 SCC 649]**, the civil applications are allowed. Delay is condoned. Review applications stand registered.

2. By the consent of the parties, the review applications are taken up for hearing. Both the learned Advocates have vehemently canvassed for and against the review applications. We have perused the Law laid down by the Hon'ble Supreme Court in **S.Madhusudhan Reddy Vs. V.Narayana Reddy and others [2022 LiveLaw (SC) 685]**. The conclusions of the Hon'ble Supreme Court as to the manner in which review applications should be dealt with are as under :-

"26. As can be seen from the above exposition of law, it has been consistently held by this Court in several judicial pronouncements that the Court's jurisdiction of review, is not the same as that of an appeal. A judgment can be open to review if there is a mistake or an error apparent on the face of the record, but an error that has to be detected by a process of reasoning, cannot be described as an error apparent on the face of the record for the Court to exercise its powers of review under Order XLVII Rule 1 CPC. In the guise of exercising powers of review, the Court can correct a mistake but not substitute the view taken earlier merely because there is a possibility of taking two views in a matter. A judgment may also be open to review when any new or important matter of evidence has emerged after passing of the judgment, subject to the condition that such evidence was not within the knowledge of the party seeking review or could not be produced by it when the order was made despite undertaking an exercise of due diligence. There is a clear distinction between an erroneous decision as against an error apparent on the face of the record. An erroneous

decision can be corrected by the Superior Court, however an error apparent on the face of the record can only be corrected by exercising review jurisdiction. Yet another circumstance referred to in Order XLVII Rule 1 for reviewing a judgment has been described as “for any other sufficient reason”. The said phrase has been explained to mean “a reason sufficient on grounds, at least analogous to those specified in the rule” (Refer: [Chajju Ram v. Neki Ram](#)¹⁷ and [Moran Mar Basselios Catholicos and Anr. v. Most Rev. Mar Poulose Athanasius and Others](#)¹⁸).

3. The learned Advocate for the original petitioners tenders a copy of the judgment dated 30.08.2022 delivered by a Co-ordinate Bench in Review Application No.170/2022 in WP No.13760/2019 and connected matters. This Court has concluded on merits that the grounds set out in the review petition do not deserve consideration. These review petitions are identical.

4. In view of the above and considering the conclusions drawn in the judgment dated 30.08.2022, these review petitions stand rejected.

5. Pending civil applications praying for interim relief, do not survive and stand disposed off.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)