

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

REVIEW APPLICATION (CIVIL) NO.27 OF 2022

AND

CIVIL APPLICATION NO.15840/2022

IN

REVIEW APPLICATION ST NO.16895/2022

AND

CIVIL APPLICATION NO.15839/2022

IN

REVIEW APPLICATION ST NO.15908/2022

AND

REVIEW APPLICATION NO.310/2022

IN WP/2124/2021

AND

REVIEW APPLICATION NO.263/2022

IN WP/2125/2021

AND

CIVIL APPLICATION NO.13717/2022

IN

REVIEW APPLICATION NO.263/2022

AND

CIVIL APPLICATION NO.1435/2022

IN

REVIEW APPLICATION NO.27/2022

AND

REVIEW APPLICATION/311/2022

IN

WRIT PETITION NO.122/2021

AND

CIVIL APPLICATION NO.15837/2022

IN

REVIEW APPLICATION NO.311/2022

**THE STATE OF MAHARASHTRA AND OTHERS
VERSUS
DNYANOBA BHANUDAS DHAKANE AND OTHERS**

...

AGP for the Applicants/State : Shri S.G. Karlekar

Advocate for the Respondents : Shri S.B. Sontakke

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**CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.**

DATE :- 25th November, 2022

Per Court :-

1. For the reasons set out in the Civil Applications seeking condonation of delay and in the light of no objection of the respondents, delay is condoned. All the Civil Applications are allowed.

2. With the consent of the parties, the Review Applications are taken up for hearing forthwith.

3. The order dated 03.02.2021 in Writ Petition No.2125/2021 was passed by this Court (Coram : S.V. Gangapurwala and Shrikant D. Kulkarni, JJ). A long list of Review Petitions were filed by the State Government. Considering the then assignment as on 23.09.2022, the circulated Review Petitions were listed before the coordinate Bench (Coram : Mangesh S. Patil and Shrikant D. Kulkarni, JJ), in view of the non availability of Honourable Shri Justice S.V. Gangapurwala at Aurangabad. Subsequently, Honourable Shri

Justice Shrikant D. Kulkarni has demitted office on superannuation on 01.11.2022.

4. As per the present roster, these Review Petitions lie before this Court. Hence, the learned AGP has circulated these Review Petitions before us.

5. We are aware of the judgment pronounced on 30.08.2022 by the coordinate Bench dealing with the Review Petitions that were listed before the said Bench (Coram : Mangesh S. Patil and Sandeep V. Marne, JJ). After considering the grounds raised by the State Government in the Review Petitions and after analyzing the same, this Court relied upon paragraph 31 of ***S. Madhusudhan Reddy Vs. V. Narayana Reddy and Others, 2022 SCC OnLine SC 1034*** and dismissed the Review Petitions. Paragraph 31 of ***S. Madhusudhan Reddy (supra)*** reads as under :-

“31. 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”.

6. We have gone through the judgment dated 30.08.2022 delivered by the coordinate Bench in Review Petition No.170/2022 in Writ Petition No.13760/2019 and connected matters. Having perused the averments and grounds raised in the Review Petitions before us, which are practically identical to those that were raised before the coordinate Bench and considering the law laid down in ***S. Madhusudhan Reddy (supra)***, we do not find any ground or reason to adopt a different

view than the one taken in the Review Petitions decided on 30.08.2022.

7. As such, for the reasons set out in the said judgment, all these Review Petitions stand dismissed with no order as to costs.

kps (SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)