

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**REVIEW PETITION NO.29 OF 2019
IN
WRIT PETITION NO.2790 OF 2013**

Babasaheb Ambedkar and Anr.	...Petitioners
Vs.	
Sharad Ganpat Gaikwad	...Respondent

Mr. Uday Warunjikar a/w. Mr. Siddesh Pilankar for the Petitioners.
Mr. Himanshu Takke, AGP for Respondent-State.

**CORAM : NITIN JAMDAR &
SHARMILA U. DESHMUKH, JJ.**

DATED : 23 SEPTEMBER 2022.

P. C. :

By this Review Petition, review is sought of the order dated 6 June 2019 in Writ Petition No.2790 of 2013.

2. Review is sought on the ground that there is a fraud played by the Review Petitioner of not disclosing the fact that Writ Petition No.582 of 2013 filed by the Petitioner was withdrawn and not pending adjudication.

3. In the order dated 6 June 2019, the Division Bench had noted at the outset, that it is to be noted with regret that till date the Respondents have not filed reply and therefore the Court was constrained to treat the averments made therein as correct on account of non traverse. Review Petitioner therefore had full opportunity to controvert the assertion. Be that as it may, all that the Division Bench has done is to direct the third respondent to treat the Petition as representation and after hearing the parties pass the order as per law. That being the position of the matter, we do not find any case made out for review. The rights of the parties have not been concluded and determined. As far the allegation of fraud is concerned, the Court had proceeded on on account of non traverse and even otherwise such non-disclosure had no bearing on the ultimate order passed as rights of the parties were not concluded, and all that was directed was that the authority will decide the matter as per law.

4. We find no case is made out to recall/review the order. The Review Petition is accordingly disposed of. Proceedings before the authority, which are to be conducted as per order under review, be proceeded with on its own merits.

(SHARMILA U. DESHMUKH, J.)

(NITIN JAMDAR, J.)