

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

901 CIVIL APPLICATION NO.81 OF 2023

**NANDAM GOUD NARA GOUD UPTUNLLA
VERSUS
THE DISTRICT COLLECTOR NANDED AND OTHERS**

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Advocate for Applicants : Mr. Fulfagar Anuj Ajay
Advocate for R/4 : Mr. S.P. Urgunde

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**CORAM : MANGESH S. PATIL &
Y.G. KHOBRAGADE, JJ.
DATE : 4th November, 2023**

PC. :-

1. Heard the learned advocate for the Applicant who was the Respondent in the Writ Petition as also the learned advocate for the Respondent No.4 who had filed that Writ Petition in which the order under review was passed.

2. Admittedly, the present Applicant was arrayed as Respondent No.4 in that petition. We had passed the order under review without issuing any notice since we were given to understand that the order passed in favour of the present Respondent No.4 under the Maharashtra Money Lending (Regulation) Act, 2014 had reached finality and the Respondent No.4 herein was to get

possession in execution of the order against which the present Applicant had preferred revision.

3. Admittedly, for whatever reason, be it a confusion or lack of communication, as is being submitted by the learned advocate for the Respondent No.4, he had caused appearance before the Revisional Authority on 16.11.2022 and had sought adjournment due to non-availability of his learned advocate and had expressly put an endorsement on his application stating that he would not take possession till his advocate appeared. With this understanding the revision was adjourned to 11.01.2023.

4. Apparently without disclosing this fact rather oblivious of these happenings, by the order under review passed on 28.11.2022, we had simply directed the order of the lower authority for delivery of possession to be executed. If the undertaking of the Respondent No.4 was alive as on the date we passed the order under review, it is indeed a sufficient and cogent reason for us to recall our order.

5. Admittedly, revision is pending before the Revisional Authority and is now listed for hearing on 03.01.2024.

6. In the light of the above, we allow the application, condone the delay, direct the review application to be registered and allow the review

application by recalling our order dated 28.11.2022 and dispose of the writ petition without passing any order. All issues are kept open.

[Y.G. KHOBRADE, J.]

[MANGESH S. PATIL, J.]