

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

**25 REVIEW APPLICATION (CIVIL) NO.105 OF 2020  
IN WP/13603/2018**

1. Ganesh Vishwanath Ingale, ...**APPLICANTS**
2. Sunil Vishwanath Ingale,
- 2-A. Rakamo Vishwanath Ingale

**VERSUS**

1. Hiranman Ganpat Patil ...**RESPONDENTS**
2. Sub-Divisional Officer, Faizpur,  
Tq. Yawal, Dist. Jalgaon
3. Tahasildar and Agricultural Lands  
Tribunal, Yawal, Dist. Jalgaon
4. Talathi, Hingone,  
Tq. Yawal, Dist. Jalgaon

Mr. S. S. Thombre, Advocate for the applicants  
Mr. V. P. Patil, Advocate for respondent No.1  
Mrs. D. S. Jape, AGP for the respondents/State

**CORAM : KISHORE C. SANT, J.**

**DATE : 28<sup>th</sup> JULY, 2023**

**P. C.**

1. Heard the parties for sometime.
2. This review application is filed seeking review of the

judgment and order passed by this court in writ petition No. 13603/2018 dated 09-01-2020. The main submission of the applicant is that this court has wrongly considered the provision of Section 37 of the Bombay Tenancy and Agriculture Lands Act. When there was no surrender of the tenancy, there was no question of giving finding in favour of the respondent. He further submits that on this fundamental aspect the court has appreciated the petition and therefore, the judgment and order needs to be reviewed. In the review application the date of possession is given as per agreement dated 16-07-1960 and order was dated 21-02-1961.

3. Learned advocate for the respondent points out from para 1 of the writ petition that specific averment is made that the possession of the land was restored to the landlord on 13-01-1969. This court finds that even in the review application in para No. 2 of the date of restoration of the possession is given to the 13-01-1969. He further submits that contents of para No. 5 of the review application were not before the court when the

writ petition was decided. In view of this, the question of applying section 37 wrongly does not arise in this matter. Otherwise this court finds that no case is made out pointing out the error apparent on the face of record. This court in the order dated 09-01-2020 has considered the aspect which were argued and the material which was placed on record. In review it is expected that the documents which are now sought to be relied upon in the review were also not before the court. However, since it is pure question of law he submits that review need to be entertained. This court as observed above finds that when there is no error apparent on the face of record and when the material is sought to be relied upon in review application was not placed in the writ petition, there is no question of any error apparent on the face of record. Since this court does not find any error on the face of record, this court feels it would be appropriate to not entertain the review application. Thus, the review application fails and stands dismissed with no order as to costs.

4. Learned advocate for the petitioner at this stage

prays for continuation of interim relief for a period of four weeks.

5. Learned advocate for the respondents vehemently opposed the said prayer stating that though all the orders are in favour of the respondents he is not in a position to take possession. Even this review petition is pending since 2020 under the pretext of approaching the Hon'ble Supreme Court. Already time was sought for execution and operation of the judgment passed in writ petition. However, the applicant did not challenge the order by filing SLP and instead filed the review petition.

6. Considering that execution of the order will take some time. Therefore, interim relief to continue for the period of two weeks only.

**[KISHORE C. SANT, J.]**