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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION 154 OF 2023
IN
WRIT PETITION NO.9049 OF 2022

Pandurang Tatyarao Kale and Another

APPLICANTS

VERSUS

Mukta @ Muktabai Aabasaheb Kale

RESPONDENT

.....

Mr. Sudhir K. Chavan, Advocate for the applicants

Mr. R. P. Survase, Advocate for the respondent

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 15th SEPTEMBER, 2023

ORDER :

1. This review application seeks review of the order dated 8th February, 2023 passed by this Court in Writ Petition No.9049 of 2022, which was admittedly passed in absence of the applicants / original respondents No. 1 and 2. Though the applicants were duly served in the writ petition, they have failed to remain present and contest the matter on merits. On that ground alone, this Court was inclined to allow the review application. However, learned advocate for the respondent has filed affidavit in reply today, wherein following statements are made -

“3. the review application under reply has become in fructuous as the order sought to be reviewed herein has already been executed by present Respondent re-gaining possession of suit land with the help of police on failure of the present Applicants to deliver the same within stipulated period of 15 days granted by this hon’ble Court. However, the applicants have disobeyed the said order as well as in utter disregard to the same, again forcefully and illegally dispossessed answering Respondent from suit land to the extent of around 22 R and thereby committed contempt of court.”

2. It is further stated in the reply that -

“3. the Applicants are time and again taking law in their own hands and illegally retaining possession of the suit land to the extent of about 22 R by even defying order of this hon’ble Court as well as order of temporary injunction passed against them in a suit by taking undue advantage of the illegal sale deed executed in their favour in respect of suit land by manipulating boundaries thereof.....”

3. Considering the above statements and the conduct of the review applicant, this Court is not inclined to entertain the review application. Review application is, therefore, dismissed.

4. It is made clear that the observations in this order are *prima facie* and shall not influence the Trial Court while deciding the matter on merits.

**[NITIN B. SURYAWANSHI]
JUDGE**