

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

901 CIVIL APPLICATION NO.12753 OF 2023  
IN WP/2971/2010 WITH CA/6879/2020 IN CA/12193/2019 IN  
WP/2971/2010

SUMANBAI GULAB SHEJWAL AND OTHERS  
VERSUS  
THE ADDITIONAL COMMISSIONER, NASHIK DIVISION,  
NASHIK AND OTHERS

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Mr Satyajeet S. Dixit Advocate for Applicants;  
Mr V. M. Kagne, A.G.P. for respondent Nos.1 to 4

**CORAM : RAVINDRA V. GHUGE, J.**

**DATE : 27th October, 2023**

**PER COURT:**

1. On 19/10/2023, this Court had passed the following order :-

“1. The Applicants are before this Court alleging that the Non-Applicant Nos.5-A to 5-F, 6 and 7 have played a fraud and have not complied with the terms of the compromise, which were arrived at ‘outside the Court’ and tendered before this Court for seeking disposal of Writ Petition No.2971/2010. On these grounds, the Applicants pray that the Court should recall the order dated 10.10.2019. Delay of 1211 days is caused in filing the Civil Application.

2. The learned Advocate for the Applicants submits that he would research as to whether, there is any provision of law or any judicial pronouncement which would enable this Court to recall its order only because some of the parties to the compromise terms are not discharging their obligations under the settlement.

3. Stand over to 27.10.2023.”

2. The learned Advocate for the Applicants submits that, he has not come across with any Judgment, which would assist him in support of his contention. He seeks some more time. A Special Bench is hearing this Civil Application. On the last date as well, he had sought time.

3. Heard the learned Advocate for the Review Applicants. In the Writ Petition, the litigating parties had formulated their compromise terms and the Petitioners had sought the disposal of the Petition. The parties had bound themselves to the compromise terms, arrived at outside the Court and had tendered a purshis in this Court for seeking disposal of Writ Petition. The contention of the Applicants is that, the other side is not complying with the terms of the compromise. This cannot be a ground for seeking review.

4. In view of the above, no purpose would be served in condoning the delay of 1211 days, as the Review Application does not make out any ground for the indulgence of this Court.

5. In view of the above, **this Civil Application stands rejected.** Needless to state, this order would not come in way of

(3)

the remedies available to the Applicants for seeking the execution of the compromise terms, as may be permissible in law.

**(RAVINDRA V. GHUGE, J.)**

sjk