

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

MISC. CIVIL APPLICATION (REVIEW) No.1074 of 2018

In

WRIT PETITION NO.1664 OF 2001

(DECIDED ON 13-6-2016)

(RAJIVSHAH S/O BHAGWANSHAH MESHARAM **VERSUS** SHRIRANG S/O BABURAO DHAKATE AND
OTHERS)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Ms Tejal Agre, counsel, holding for Shri S.P. Bhandarkar, counsel for applicant/original intervenor.

Ms Geeta Tiwari, counsel, holding for Shri P.C. Madkholkar, counsel for respondent no.1.

Ms N.P. Mehta, Assistant Government Pleader for respondent nos.2 and 3.

Shri T.T. Mirza, counsel, holding for Shri A.M. Quazi, counsel for respondent no.4.

CORAM : A. S. CHANDURKAR AND M.W. CHANDWANI, JJ.

DATE : MARCH 23, 2023

MISC. CIVIL APPLICATION (REVIEW) No.1074 of 2018 :

The applicant seeks review of the judgment dated 13-6-2016 passed in Writ Petition No.1664 of 2001. By that judgment, the Writ Petition preferred by the petitioner challenging the order passed by the Scrutiny Committee came to be allowed and after setting aside the order of the Scrutiny Committee dated 21-4-2001, the petitioner was held entitled for consideration of the Liquified Petroleum Gas (L.P.G.) dealership which was allotted to him in the year 1989. It is the case of the applicant that he had filed Civil Application No.760 of 2010 in the Writ Petition seeking permission to intervene in the Writ Petition. On 25-3-2010, this Court had directed the intervention application to be heard along with the Writ Petition. Since the applicant was not heard when the Writ Petition was decided, this application for review has been filed.

Heard the learned counsel for the applicant as well as the learned counsel representing the original petitioner. The order dated 25-3-2010 passed on Civil Application No.760 of 2010 reads as under :

“Civil Application No.760/2010 is filed by intervenor seeking to intervene in the petition.

Since the writ petition is already been admitted, the said civil application be heard at the time of hearing.”

This Court while considering the present review application on 19-9-2018 observed in Para 8 thus :

“8. In facts before us, application for intervention was very much there and no orders allowing or dismissing it were passed when judgment was delivered. The Counsel representing proposed intervenor applicant was no more and this fact went unnoticed.”

It is thus clear that though the applicant was entitled to be heard in the Writ Petition, he could not be so heard since his learned counsel had in the meanwhile expired. He therefore deserves an opportunity for being heard in the Writ Petition.

For the aforesaid reasons, the judgment dated 13-6-2016 delivered in Writ Petition No.1664 of 2001 is recalled. The Writ Petition is restored to file for fresh consideration.

The Misc. Civil Application is allowed and disposed of.

Writ Petition No.1664 of 2001 :

Put up for consideration on 6-4-2023.

(M.W. CHANDWANI, J.)

(A. S. CHANDURKAR, J.)

LANJEWAR