



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION NO. 258 OF 2023
IN
WRIT PETITION NO. 14166 OF 2019

Narayan S/o Sitaram Landge,
Age : 65 years, Occu. : Agril.,
R/o Salegaon, Tq. Kaij,
Dist. Beed.

: Applicant

Vs.

1. The State of Maharashtra
Through its Registrar,
Money Lender Registrar and
Special Registrar Co-op. Society,
Maharashtra State, Pune.
2. The Divisional Joint Registrar,
Co-op. Society, (Money Lender)
Latur Division, Latur.
3. The District Registrar
(Money Lender), District
Deputy Registrar, Co-op.
Society, Beed.

(Copy to be served on Govt.
Pleader High Court of Bombay
Bench at Aurangabad).

4. Limbaji S/o Vitthal Gayake,
Age: 65 years, Occu. : Jewelry Business,
R/o. Dharur, Tq. Dharur, Dist. Beed,
At Present : Asra Jewelers Kaij,
Tq. Kaij, Dist. Beed.

: Respondents

Mr. V. D. Hon Senior Adv. i/by Mr. R. P. Bhumkar for the Applicant.
Mrs. P. R. Bharaswadkar, AGP for Respondent Nos.1 to 3.
Mr. P. R. Katneshwarkar h/f Mr. A. A. Khande for the Respondent No.4

CORAM : KISHORE C. SANT, J.
RESERVED ON : 11th JANUARY, 2024
PRONOUNCED ON : 30th JANUARY, 2024

PC. :

1. This Review Application is filed seeking review of the Judgment and Order passed by this Court in Writ Petition No.14166 of 2019 dated 11th September, 2023. This Court by way of the order dismissed the Writ Petition.

2. Petition was filed by the original complainant under the Bombay Money Lending (Regulation) Act, (hereinafter referred to as “the Act”) against Respondent No.4. The case of the Petitioner was that the Respondent No.4 is doing money lending business. Towards security to money lent to Petitioner two sale deeds were executed in favour of Respondent No.4 in respect of land Survey No.286 ad-measuring 12 Acre 12 Gunthas and land Survey No.284 ad-measuring 2 Acre 28 Gunthas bearing Sale Deed Nos.2665 of 1986 and 2675 of 1986. In 1995 Petitioner had filed a complaint against Respondent No.4 had however no heed was

paid & therefore he again filed complaint before the authority under the Act in 2011. Initially his complaint was allowed. The order in complaint came to be set aside. The learned Registrar General ultimately allowed revision filed by Respondent No.4. The Petitioner thus filed a petition in this Court.

3. This Court decided the Petition on merits holding that the Revisional Authority has not committed any legality in passing the order. There is no perversity in the finding recorded by the Revisional Authorities by observing that both the Sale Deeds were subject matter of civil proceedings. In which there is clear finding recorded by the Civil Court that the transactions are legal and valid.

4. In this Review Application it is sought to be contended that observation of this Court that the Sale Deed was subjected to a civil proceeding is correct only to the extent of land Survey No.284 to the extent of 2 Acre 28 Gunthas. However, the land to the extent 12 Acres and 12 Gunthas was not a subject matter of the Suit i.e. RCS No.6 of 2011. There is another Suit bearing Suit No.40 of 1991 that was filed by one Baburao against the Respondent No.4 was decreed against the Respondent No.4 by holding him to be a money lender.

5. The Respondent No.4 vehemently opposed the Review

Application. He submits that in Suit No.40 of 1991 the Court only recorded submission of the Plaintiff that Respondent No.4 is the money lender. There is no finding recorded neither any issue was framed in the said Suit to that effect. He further submits that RCS No.6 of 2011 was filed by the Petitioner himself against sons of Respondent No.4 as the Sale Deed was registered in the name of sons of Respondent No.4. However, the said Suit was dismissed and arising out of the said suit first appeal is now pending in this Court. He thus submits that though this Court has not referred to the RCS No.6 of 2011 specifically, however, the same is considered as the Judgment and Order passed in RCS No.6 of 2011 was very much a part record of the Petition. This Court has also considered the RCS No.40 of 1991. There is already a reference to both these Suits in the order passed by the Revisional Authority. He invited attention to both the Sale Deeds bearing No. 2665 of 1986 and 2675 of 1986.

6. In rejoinder the learned Senior Advocate submitted that there were total 7 Sale Deeds which were considered by the Revisional Authorities. However, learned Advocate for the Respondent specifically points out that out of 7 Sale Deeds which are given in tabular form, only two Sale Deeds are in favour of sons of present Respondent No.4. The Sale Deed in respect of land Survey No.284 is in the name of son of Respondent

No.4. The Sale Deed in respect of land Survey No.286 is in the name of another son who was minor at the time of Sale Deed. Therefore wife of Respondent No.4 is shown as guardian of minor sons. The third Sale Deed is executed by the person namely Baburao Ingale. Sale Deeds at serial No. 4, 5, 6 & 7 are shown only to attract the provisions of the Act. However, those are not connected with the present Respondent No.4.

7. Considering all the submissions, this Court finds from the record that the copies of the judgment in both the Suits i.e. 6th November, 1991 and 14th November, 1991 were on record. In Suit No.6 of 2011 the Sale Deed in question was Sale Deed for land Survey No.284 ad-measuring 12 Acre 12 Gunthas. So far as Suit No.40 of 1991 is concerned the other Sale Deed from Survey No.286 ad-measuring 2 Acre 28 Gunthas was also on record. Thus both the Sale Deeds have suffered a litigation and have been held to be valid and legal. This Court finds that, there is no error apparent on the face of record.

8. This Review Application thus deserves to be dismissed and the same is hereby dismissed. No order as to costs.

(KISHORE C. SANT, J.)

NOTE:-

1. At this stage a request is made by the Learned Advocate for the Applicant to continue the interim relief for a period of eight weeks from today.
2. Learned Advocate for the Respondent vehemently opposes the prayer stating that his clients are already in possession since long. When the Petition was dismissed similar prayer for extension of interim relief was made. However, the party did not approach the Hon'ble Apex Court but filed only Review Application. However considering the fact that there was interim relief for long period, the same is continued for four weeks from today.

(KISHORE C. SANT, J.)