



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

**REVIEW APPLICATION (CIVIL) No. 288 OF 2023
IN WRIT PETITION NO. 11062 OF 2021
WITH
CIVIL APPLICATION NO. 1021 OF 2024**

**SANJIVANI GRAMIN SHIKSHAN SOCIETY SAHAJANANDNAGAR
POST SHINGNAPUR THR ITS SECRETARY AND ANOTHER**

VERSUS

SACHIN RAMBHAU WAGH AND ANOTHER

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Advocate for the Applicants : Senior Advocate Mr. V.D.Hon i/by Ashwin
V. Hon.

Advocat for Respondent No.1 : Mr. Vinod Patil

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CORAM : S. G. MEHARE, J.

DATE : 23.01.2024

PER COURT :

1. Heard the learned counsel for the applicants/petitioners and learned Advocate for respondent No.1.
2. This is a review application filed by the original petitioners in Writ Petition No. 11062 of 2021. The learned counsel for the applicants would submit that the grounds were raised before this Court in the above Writ Petition that respondent No.1 is not its employee. The appeal of respondent No.1 was beyond the prescribed period of limitation. There was no privity of contract of service

between the applicants and respondent No.1. This Court did not consider the documentary evidence on record produced by the applicants, such as pay sheets and other material documents, to substantiate that the contractor had engaged the respondent No.1. This Court did not consider the relevant factors to decide the employer and employee relations. He would also argue that this Court did not consider the rejoinder. In sum and substance, his arguments are that the grounds which were raised before this Court in Writ Petition No. 11062 of 2021 have not been considered. Hence, the order of this Court dated 06.10.2023 may be reviewed.

3. The discovery of new and important matters or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed, or order made, or on account of some mistake or error apparent of the face of the record or any other sufficient reason, are the ground for review of the order or the judgment.

4. Another requirement for review is something must have been done. There should be findings on a point in the judgment or order which is sought to be reviewed. However, the learned counsel for the petitioners submits that the points that were raised were not

considered by this Court while passing the order dated 06.10.2023. Considering the scope of review, this Court is of the view that if the Court does not consider the grounds raised, the review is not the remedy. The other legal remedy is available. There is no material before the Court to examine the *prima facie* mistake/error on the face of the record. In the situation the review petition is not maintainable. Hence, the civil application stands dismissed.

5. Civil Application No. 1021 of 2024 stands disposed of.

(S. G. MEHARE)
JUDGE

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