



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 REVIEW APPLICATION (CIVIL) NO. 200 OF 2024
IN WP/11138/2010

NAGRAJ JANARDAN PATIL

VERSUS

JALGAON ZILLA SAHKARI DUDH UTPADAK SANGH
MARYADIT JALGAON AND OTHERS

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Applicant-Party-in-Person : Mr. Nagraj Janardan Patil
Advocate for Respondent No. 1 : Mr. D.B. Thoke
AGP for Respondent Nos. 2 to 5 : Mr. S.P. Joshi
Advocate for Respondent No. 7 : Mr. A.V. Hon

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CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.

DATE : 29 AUGUST 2024

PER COURT [*Shailesh P. Brahme, J.*] :

1. Heard the party-in-person, Mr. Nagraj Janardan Patil who is the applicant, learned Advocate Mr. D.B. Thoke for respondent no. 1, learned AGP for respondent nos. 2 to 5 and learned Advocate Mr. A.V. Hon for respondent no. 7.

2. The applicant seeks to recall our common judgment and order pronounced on 08.11.2023 on the ground that the petition filed by the respondent no. 1 through Mr. Ravi S. Lahane as its Managing Director was not maintainable. It was fraud on his part to file the petition. The Court had no jurisdiction to pass the judgment under review. The resolution passed on 08.03.2023 by Board of Directors and expert committee was fraudulent. The appointments of Mr. Lahane, Mr. Limaye and Mr. Morkhede were illegal. The acts done by them were contemptuous and criminal in nature. There was non-joinder of necessary party. Fraudulent and

fictitious documents like agreement were submitted. The respondent no. 1 was neither an institute nor is it an industry. The conduct of respondent no. 1 is against Maharashtra Co-operative Societies Act and bye laws.

3. We have gone through the grounds mentioned in the application to find out whether any case is made out for reviewing our judgment and order. During the course of hearing applicant tendered on record a compilation of documents without there being any supporting affidavit. No attempt has been made by him to explain the documents tendered across the bar. Neither any endeavor is made to make out a case for exercising review jurisdiction.

4. By our common judgment and order pronounced on 08.11.2023, we decided an issue as to whether the provisions of the Maharashtra State Public Services (Reservation for Scheduled Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Special Backward Category and Other Backward Classes) Act of 2001 (herein after referred to as 'Reservation Act'), is applicable to the respondent no. 1 – Co-operative Society. The applicant was an intervenor in those matters. He did not argue the points which are raised in the present application, though he had that opportunity. Considering the issue germane in the matter and dealt with by us, the grounds raised in the present application are extraneous.

5. We were represented that the petitions were filed by competent persons with due authorization. The validity of the appointments of Mr. Lahane, Mr. Morkhede and Mr. Limaye were

not required to be adjudicated. Other contesting parties did not raise this issue.

6. The tenor of the present application demonstrates personal grudge against Mr. Lahane, Mr. Morkhede and Mr. Limaye. Wild allegations are made regarding fraud played by them and their appointments. We cannot go into that aspect of the matter in review jurisdiction. The scope of review jurisdiction is well defined.

7. We cannot be oblivious of the fact that there are inherent limitations of the review jurisdiction. A re-scrutiny of entire subject matter and the material can seldom be resorted to in exercise of such powers. The re-appreciation of material on record is not contemplated while considering application for review. An error should be apparent on the face of record and should not to be required to be dugged out.

8. We are unable to find out any such error apparent on the face of the record. Neither a case is made out by the applicant that the material produced along with application for review was not available or was not made available earlier, despite due diligence. We are of the considered view that the present application is an attempt of appeal in disguise. We, therefore, find no merit in the application.

9. The review application is rejected.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]