



Pradnya

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION NO. 5 OF 2023
IN
WRIT PETITION NO. 11997 OF 2016

1. **RONY JOCKY D'SOUZA,**
Age 36 yrs., Occ : Agri.,
R/at. Chaphodi,
Taluka Radhanagari,
District Kolhapur
2. **STELLA JOHN D'SOUZA,**
Age 43 yrs., Occ : Housewife,
R/at. Chaphodi,
Taluka Radhanagari,
District Kolhapur
3. **ANTU BABU BARDESKAR,**
Since deceased through LRs
Rosalin Antu Bardeskar
Since deceased through LRs
Fatima Motes Lobo
Age 64 yrs., Occ : Nil
R/at. Donawade, Taluka Bhudergad,
District Kolhapur

...PETITIONERS

~ VERSUS ~

1. **RAJGONDA BHIMGONDA PATIL,**
Age 75 yrs., Occ: Agri.,
R/at. Uchagaon, Taluka Karveer,
District Kolhapur

2. **BHIMGONDA RAMGONDA PATIL,**
Through I/R. Amor Patil
Age. 34 yrs., Occ : Agri.,
R/at. Uchagaon, Taluka Karveer,
District Kolhapur.
3. **STATE OF MAHARASHTRA,**
Through General Administration,
Department, Mantralaya, Mumbai.
4. **THE ADDITIONAL COLLECTOR AT
KOLHAPUR,**
Collector Office, Swaraj Bhavan,
Nagala Park, Kolhapur
5. **THE SPECIAL LAND ACQUISITION
OFFICER - 12,**
Collector Office, Swaraj Bhavan,
Nagala Park, Kolhapur
6. **THE DISTRICT SETTLEMENT OFFICER,**
C/o. Collector Office, Swaraj
Bhavan, Nagala Park, Kolhapur
7. **THE TAHSILDAR/EXECUTIVE
MAGISTRATE, KARVEER,**
Near Town Hall, Taluka Karveer,
District Kolhapur
8. **SHEVANTABAI BHIMGONDA PATIL,**
Through L/R Amol Patil,
Age 34 yrs., Occ : Agri.,
R/at. Uchagaon, Taluka Karveer,
District Kolhapur
9. **RAJSHREE RAJGONDA PATIL,**
Through L/R. Amol Patil
Age 35 yrs., Occ : Agri.,
R/at. Uchagaon, Taluka Karveer,
District Kolhapur.

...RESPONDENTS

ALONG WITH
CIVIL APPLICATION NO. 2 OF 2023
IN
REVIEW PETITION NO. 5 OF 2023
IN
WRIT PETITION NO. 11997 OF 2016

1. **RONY JOCKY D'SOUZA,**
Age 36 yrs., Occ : Agri.,
R/at. Chaphodi,
Taluka Radhanagari,
District Kolhapur
2. **STELLA JOHN D'SOUZA,**
Age 43 yrs., Occ : Housewife,
R/at. Chaphodi,
Taluka Radhanagari,
District Kolhapur
3. **ANTU BABU BARDESKAR,**
Since deceased through LRs
Rosalin Antu Bardeskar
Since deceased through LRs
Fatima Motes Lobo
Age 60 yrs., Occ : Nil
Bhudergad, District Kolhapur

...APPLICANTS

~ VERSUS ~

1. **RAJGONDA BHIMGONDA PATIL,**
Age 75 yrs., Occ: Agri.,
R/at. Uchagaon, Taluka Karveer,
District Kolhapur

2. **BHIMGONDA RAMGONDA PATIL,**
Through I/R. Amor Patil
Age 34 yrs., Occ : Agri.,
R/at. Uchagaon, Taluka Karveer,
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Through General Administration,
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Collector Office, Swaraj Bhavan,
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6. **THE DISTRICT SETTLEMENT OFFICER,**
C/o. Collector Office, Swaraj
Bhavan, Nagala Park, Kolhapur
7. **THE TAHSILDAR/EXECUTIVE
MAGISTRATE, KARVEER,**
Near Town Hall, Taluka Karveer,
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8. **SHEVANTABAI BHIMGONDA PATIL,**
Through L/R Amol Patil,
Age 34 yrs., Occ : Agri.,
R/at. Uchagaon, Taluka Karveer,
District Kolhapur
9. **RAJSHREE RAJGONDA PATIL,**
Through L/R Amol Patil
Age 35 yrs., Occ : Agri.,
R/at. Uchagaon, Taluka Karveer,
District Kolhapur.

...RESPONDENTS

APPEARANCES

FOR THE PETITIONERS IN **Mr Vijay Killedar.**
RPW/5/2023 AND FOR THE
APPLICANTS IN
CAO/2/2023

FOR THE PETITIONERS IN **Mr Pandit Kasar.**
WP/11997/2016

**CORAM : M.S.Sonak &
Kamal Khata, JJ.**

RESERVED ON : 04 October 2024

PRONOUNCED ON : 14 October 2024

JUDGMENT (Per MS Sonak J):-

1. This Civil Application and Review Petition were not on board. However, on mentioning, the same were taken on board and disposed of along with connected Review Petitions.
2. Civil Application No.2 of 2023 seeks condonation for the delay of 1 year and 172 days in instituting the Review Petition, seeking a review of the judgment and order dated 15 November 2017 in Writ Petition No.11997 of 2016.
3. We have perused the explanation offered. Most of the averments in the Application relate to the merits of the Review Petition. The allegation is that the original Petitioners suppressed a material document indicating that compensation was tendered to them, and the present Review Petitioners took considerable time to obtain this document. Regarding several essential aspects, the Applicants claimed they did not

know. The delay in this case is substantial, and the cause shown is more an excuse than an explanation.

4. The contentions in the Application seeking condonation of delay or this Review Petition are not substantially different from those contained in Review Petition (Stamp) No.2722 of 2024 and Interim Application No.1686 of 2024 filed by William Anton D'souza. Similarly, several of the grounds urged in the Review Petition are not, at least in substance, different from those urged by the State Government in Review Petition (Stamp) No.19950 of 2022.

5. By separate orders made today, we have dismissed the Application for condonation of delay filed by the State Government and William Anton D'souza. In the said orders, we have held that even if we condone the inordinate delay in instituting the Review Petitions, still, on merits, the Review Petitions were liable to be dismissed. We have considered all arguments, including the arguments of fraud, suppression of material facts by the original Petitioners, etc. and given our reasons why we cannot accept the same.

6. Therefore, by adopting the reasoning in the above two orders dismissing the Applications for condonation of delay and the Review Petitions filed by the State Government and William Anton D'souza, we dismiss this Application for condonation of delay and the Review Petition. We clarify that even if we condone the delay, no case was made out to entertain the Review Petition, which was liable to be dismissed on merits.

7. For all the above reasons, we dismiss Civil Application No.2 of 2023 and Review Petition No.5 of 2023.

(Kamal Khata, J)

(M. S. Sonak, J)