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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**REVIEW PETITION NO. 15 OF 2024
IN
WRIT PETITION NO. 1353 OF 2022**

Barku Govind Walve & Ors.

.. Petitioners

VS.

The State of Maharashtra & Ors.

.. Respondents

...

Mr. Saurabh M. Railkar, for the Petitioners.

Mr. P. P. Pujari, AGP, for the Respondent No.1-State.

Mr. Girish R. Agrawal, with Shubham Jangam, for the Respondents.

...

CORAM: SANDEEP V. MARNE, J.

DATE : 7th FEBRUARY, 2024.

P. C.:

1. The Review Petitioners have filed this Petition seeking review of the judgment and order dated 5th December, 2023 dismissing Writ Petition No. 1353/2022. It must be observed at the very outset that the judgment and order under review has been unsuccessfully tested before the Hon'ble Supreme Court when Special Leave Petition No. 1410 of 2024 preferred by the Review Petitioners came to be rejected by order dated 22nd January, 2024. After rejection of the SLP, the present Petition for Review is filed. No doubt, rejection of SLP by the Apex Court does not prevent

filing of Review Petition. However, after considering the submissions canvassed by Mr. Railkar, the learned counsel appearing for the Review Petitioners, no error apparent on face of record can be traced in the order under review. Mr. Railkar has attempted to suggest that the order of regrant in favour of the original Watandar was made on 14th December, 1967 i.e. after execution of the Agreement for Sale dated 26th January, 1967. However, perusal of the Writ Petition would indicate that no such averment was made in the Petition. The Review Petitioners cannot be permitted to raise fresh pleas which were never raised at the time when the Writ Petition was argued and decided.

2. In that view of the matter, no case is made out for review of the judgment and order dated 5th December, 2023.
3. The Review Petition is accordingly rejected.

SANDEEP V. MARNE, J.