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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION NO. 58 OF 2024
WITH
INTERIM APPLICATION NO. 8479 OF 2024
IN
REVIEW PETITION NO. 58 OF 2024

Dhondiram Sambhaji Gaikwad and Anr ... Petitioners/Applicants
vs.

The State of Maharashtra through the
Chief Secretary, Revenue and Forest
Department and Ors ... Respondents

Mr. Machhindra A. Patil, for Petitioners/Applicants.

Mr. Atharva Date h/f. Mr. Shubham H. Misar for Respondent.

Ms. M.S. Bane, AGP for Respondent Nos. 1 to 3.

CORAM : GAURI GODSE, J.

DATED : 7th MAY 2024

P.C. :-

1. This review petition is filed seeking review and recall of the order dated 19th March 2024. By the said order, the petition is dismissed on the ground of delay and latches.

2. Learned counsel for the review petitioners submits that in the review petition he has given sufficient reasons for the delay in filing

Writ Petition. Hence, according to him the grounds raised in the review petition explaining delay is itself sufficient ground to review the order.

3. I have perused the review petition. The grounds raised in the review petition claimed to have been stated for explaining delay were not a part of the pleadings in the petition. Learned counsel for the review petitioners however, submits that since the grounds raised now explain the reason for delay, in view of Order XLVII of the Civil Procedure Code, it is a sufficient ground to review the order.

4. I have perused the review application. The ground raised in the review application amounts improvising the case of the petitioners in the petition. Learned counsel for the petitioners does not dispute that the said ground was never part of the original pleadings.

5. There is no error apparent on the face of the record pointed out for reviewing the order. The review petition is therefore devoid of any merits and hence, review petition is dismissed.

6. In view of the disposal of the review petition, Interim Application No. 8479 of 2024 is disposed of as infructuous.

(GAURI GODSE, J.)