

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

REVIEW PETITION NO. 16 OF 2024

**IN
WRIT PETITION NO. 11287 OF 2018**

Sadashiv Balshiram Neharkar

} ***..Applicant/
Orig. Respondent No.5.***

: *Versus* :

Hanman Baburao Neharkar and Ors.

} ***..Respondents/
Orig. Petitioners***

WITH

INTERIM APPLICATION NO. 7969 OF 2024

IN

REVIEW PETITION NO. 16 OF 2024

Sadashiv Balshiram Neharkar

} ***..Applicant***

In the matter Between :

Shri. Hanumant Baburao Neharkar
and Ors.

} ***...Orig. Petitioners***

: *Versus* :

State of Maharashtra and Ors.

} ***..Respondents***

Mr. P.B. Shah i/by. Ms. Mallika R. Pujari, for the Applicant.

Mr. U.B. Nighot a/w. Ms. Sulajja R. Patil , for the Respondents.

Mrs. D.S. Deshmukh, AGP for State.

CORAM : SANDEEP V. MARNE, J.

Dated : 6 May 2024.

P.C. :

- 1) This petition is filed seeking review of the Judgment and Order dated 22 December 2023 passed by this Court.
- 2) I have heard Mr.Shah, the learned counsel appearing for the Review Petitioner.
- 3) The sheet anchor of the Review Petitioner for seeking review of the Order dated 22 December 2023 is alleged statement of Baburao Baban Neharkar recorded on 18 January 1988, under which said Baburao had allegedly released his rights in respect of the alternate land to be allotted in lieu of acquisition of the joint family property.
- 4) When the petition was argued, it was sought to be contended that Baburao had refused to pay the purchase price for alternate land. Infact this was the finding recorded by the learned Minister. Today altogether new theory is sought to be invented by relying upon alleged statement of 18 January 1988 wherein Baburao had sought to release his rights in respect of the alternate land. The said statement dated 18 January 1988 was not placed before me when the order under review was passed. Based on material produced before this Court, a view has been taken. Production of new material cannot be a ground for review. In any case the stand now sought to be taken by the Review Petitioner appears to be contradictory to the stand taken before the learned Minister and before this Court. In my view, there is no error apparent on the face of the record in the order under review. No

ground is made out for review of the order. The Review Petition is **dismissed**.

5) With dismissal of the Review Petition itself, Interim Application taken out for amendment does not survive. The same also stands disposed of.

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[SANDEEP V. MARNE, J.]