

AGK

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

**WRIT PETITION NO.12289 OF 2022
WITH
WRIT PETITION NO.1000 OF 2022**

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Dilip Babu Pandit

... Petitioner

V/s.

Shridhar Ramchandra Bhogale,
since deceased through LRs.

... Respondent

Mr. S.G. Karandikar i/by Mr. S.C. Mangle for the
petitioner.

Mr. Abhay Khandeparkar, Senior Advocate i/by Mr.
Gangadhar J. Sabnis for the respondent.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 13, 2024

PC.:

- 1. Rule.** Rule is made returnable forthwith.
- 2.** The petitioner is challenging order passed by the Member, Maharashtra Revenue Tribunal allowing application for review filed under Section 322 of the Maharashtra Land Revenue Code, 1966.
- 3.** The grounds raised in the application for review are to the following effect: (i) the revision was registered as proceeding arising out of Ratnagiri District, however as a matter of fact it arose out of Sindhudurg District; (ii) learned Member failed to put

his initial on the page where changes in the judgment are made; (iii) year of the Act is wrongly mentioned; and (iv) description of the property is not proper.

4. Learned Member while allowing review application on such grounds recorded a finding, accepting grounds. The learned Member observed that aforementioned basic infirmities noticed when the order sought to be reviewed is examined. He also records a finding that the grounds in revision are not helpful and conclusive but the judgment is unsustainable.

5. On perusal of the impugned order, I do not find error apparent on the face of record or any other sufficient cause which prompted the Member to exercise such power of review.

6. It is well settled that to constitute an error apparent on the face of record such illegalities must strike by looking at the order which does not require long drawn process of reasoning.

7. On perusal of the review order, I am satisfied that the grounds mentioned in Section 322 of the Maharashtra Land Revenue Code, 1966 have not been made out. Therefore, the writ petition succeeds.

8. Rule is made absolute in terms of prayer clause (b).

9. No costs.

10. It shall be open for the respondent to challenge the order under review, if otherwise permissible in law.

(AMIT BORKAR, J.)