

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.12274 OF 2024
WITH
REVIEW PETITION (ST) NO.28603 OF 2015
IN
WRIT PETITION NO.8433 OF 2014
WITH
CIVIL APPLICATION NO.175 OF 2018
WITH
CIVIL APPLICATION (ST) NO.846 OF 2018

Shri.Lahuraj Ragunath Khandait (Since Applicants
Deceased Thr. Legal Heirs) and ors.

V/s.

The State of Maharashtra & Ors. Respondents

Mr. Nitin P. Deshpande, Advocate for the Applicant.
Mrs. M. P. Thakur, AGP for Respondent-State.

CORAM : REVATI MOHITE DERE &
SHIVKUMAR DIGE, JJ.

DATE : 12th DECEMBER 2024.

P.C:-

1. Heard learned counsel for the parties.
2. By this Interim Application, the applicant seeks recall of the order dated 27th June 2018 passed in Civil Application No.175 of

2018 alongwith Review Petition Stamp No.28603 of 2015 preferred in Writ Petition No.8433 of 2014.

3. The applicant after setting-aside the said order dated 27th June 2018, seeks that the writ petition, being Writ Petition No.8433 of 2014 be taken on file along with the Review Petition.

4. The applicant also seeks condonation of delay of 5 years and 362 days caused in filing the aforesaid interim application in the interest of justice.

5. Perused the application.

6. On 3rd July 2015, the applicant's aforesaid writ petition being Writ Petition No.8433 of 2014 came to be rejected. The said order dated 3rd July 2015 (Coram : A. S. Oka (as he then was) and Revati Mohite Dere, J.J.) reads thus :

“ None for the Petitioner. A writ of mandamus is prayed for in this Petition under Article 226 of the Constitution of India for cancellation of the mutation entries made. The Petitioner has remedy available of challenging the mutation entries in accordance with law. For establishing a title, the Petitioner can always approach the Civil Court. Hence, this Petition invoking writ jurisdiction under

Article 226 of the Constitution of India cannot be entertained. By keeping the remedies of the Petitioner open, the Petition is rejected.”

7. Three years after the petition was dismissed, the applicant filed **Civil** Application No.175 of 2018 in Review Petition Stamp No.28603 of 2015. **On 27th June 2018**, this Court (Coram : A. S. Oka (as he then was) and Revati Mohite Dere, J.J.) passed the following order :

“1. None appears for the applicant. Hence, the civil application and the review petition are dismissed for non-prosecution.”

8. The aforesaid application seeking recall of all the aforesaid orders has been filed after almost six years. Considering the delay and laches in approaching this Court after six years, we do not deem it appropriate to entertain this application. The application is accordingly dismissed.

[SHIVKUMAR DIGE, J.]

[REVATI MOHITE DERE, J.]