



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION NO.997/2023 (For Leave) IN
MISC. CIVIL APPLICATION ST. NO.6717/2023 IN
WRIT PETITION NO.1494/2022 (D)

M/s. Jalaraj Pharma, Nagpur thr. Its Partner, Shri Surendra Madhukarrao
Yerawar .Vs. Patel & Company, Nagpur thr. Its Propretor Mr. Abdul Shahid Patel
(Tarique Patel) & Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M. G. Bhangde, Senior Advocate assisted by Mr. S. S.
Sarda, Advocate for applicant.
Mr. J. B. Kasat, Advocate for non applicant Nos.3, 5 to 7.

CORAM: AVINASH G. GHAROTE & ANIL L. PANSARE, JJ.
DATE : OCTOBER 4, 2024

Heard.

2. Applicant is seeking leave to file review application, seeking review of judgment dated 25.01.2023, passed in Writ Petition No.1494/2022. The applicant was not party to the said petition, however, the subject matter of writ petition viz. Plot No.G-13/2 was allotted to the applicant pending said petition.

3. Mr. M. G. Bhangde, learned Senior Counsel for the applicant, submits that the allotment was so done subject to the outcome of the petition. The applicant is aggrieved by the judgment passed by this Court because it adversely affects allotment of said plot. He submits that review by third party, in such a situation, is maintainable.

4. Mr. Bhangde, learned Senior Counsel, in support, has invited our attention to the judgment passed by the Hon'ble

Supreme Court in Union of India .Vs. Nareshkumar Badrikumar Jagad and Ors.; (2019) 18 SCC 586, wherein, the Court held thus:

“18.Be that as it may, the Supreme Court exercises review jurisdiction by virtue of Article 137 of the Constitution which predicates that the Supreme Court shall have the power to review any judgment pronounced or order made by it. Besides, the Supreme Court has framed Rules to govern review petitions. Notably, neither Order 47 CPC nor Order 47 of the Supreme Court Rules limits the remedy of review only to the parties to the judgment under review. Therefore, we have no hesitation in enunciating that even a third party to the proceedings, if he considers himself an aggrieved person, may take recourse to the remedy of review petition. The quintessence is that the person should be aggrieved by the judgment and order passed by this Court in some respect.”

5. Thus, the Supreme Court has held that any person considering himself aggrieved can file a review petition. The applicant herein considers himself to be an aggrieved person. We are, therefore, inclined to allow the application.

6. The application is accordingly allowed. Leave to file review application seeking review of judgment dated 25.01.2023, passed in Writ Petition No.1494/2022 is granted to the applicant.

List the review application for hearing on 18.10.2024 at 02:30 p.m.

The application is disposed of.

(Anil L. Pansare, J.)

(Avinash G. Gharote, J.)