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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 5053 OF 2025
WITH
CIVIL APPLICATION NO. 5054 OF 2025
IN
REVIEW APPLICATION (CIVIL) STAMP NO. 13882 OF 2025**

Rahul Vasantryao Patil
Age. 33 years, Occ. Service,
R/o. Adarsh Nagar, Taluka and District Jalgaon
Presently Residing at
Near Mahadev temple, Taluka Jamner,
District Jalgaon.Applicant.

Versus

Mrs. Kiran Rahul Patil,
Age. 31 years, Occ. Household,
R/o. Plot No. 26, S.No. 66/3/4 Vithoba Nagar,
Taluka and District Jalgaon,
And
R/o. Raut Galli, Nagardeola,
Tal. Pachora, Dist. Jalgaon.Respondent.

...
Advocate for Applicant : Mr. U.S. Patil

...
**CORAM : R.G. AVACHAT AND
PRAFULLA S. KHUBALKAR, JJ.**

Date : 24th June, 2025

PER COURT (Per : Prafulla S. Khubalkar, J.) :

CIVIL APPLICATION NO. 5053 OF 2025

1. This is an application for condonation of delay in filing the review application.

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2. Learned counsel for the applicant submits that the delay of 18 days occurred since the applicant consumed some time in collecting the documents and contacting another lawyer for filing the review application and that the delay is unintentional.

3. Considering the reasons for delay as stated at paragraph nos. 6 to 8 of the application and the submissions advanced, the delay of 18 days in filing the review application is condoned.

REVIEW APPLICATION (CIVIL) STAMP NO. 13882 OF 2025

4. This is an application for review of the order dated 11.03.2025, passed by this Court in Family Court Appeal No. 11/2025.

5. Heard Advocate Mr. U.S. Patil, learned counsel for the review applicant.

6. Learned counsel for applicant submits that the Family Court, Jalgaon, had committed illegality in passing the order dated 16.01.2025, restoring the petition of the wife seeking maintenance. He submits that the order dated 16.01.2025, was assailed in the Family Court Appeal No. 11/2025, which is

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decided finally by order dated 11.03.2025, which is sought to be reviewed. He submits that the applicant was not granted sufficient time by the Family Court for filing his say to the application for restoration which was filed by the wife and since this fact is not considered, the order dated 11.03.2025, passed by this Court is unsustainable and needs to be reviewed.

7. It has to be noted that the order dated 11.03.2025, was passed after hearing the arguments advanced by the counsels for the parties. Record reveals that Advocate Mr. S.G. Deshmukh, has appeared on behalf of the applicant in the Family Court Appeal No. 11/2025, who had advanced arguments on behalf of the applicant. The order dated 11.03.2025, categorically records that when the Court expressed disinclination to interfere with the order passed by the Family Court, restoring the application of the wife for maintenance, it was thereafter, contended by the learned counsel for the applicant that the husband be allowed to participate in the proceedings. Considering this aspect, the final order dated 11.03.2025, was passed and the Family Court was directed to allow the applicant/husband to participate in the

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proceedings and the matter was directed to be decided within a time frame. As such, it is clear that the order sought to be reviewed was passed considering the submissions advanced by the Advocate Mr. S.G. Deshmukh, who had appeared on behalf of the applicant. This Review Application is filed by another Advocate, without being accompanied by the Advocate who had appeared in the Family Court Appeal. Despite Court's oral directions to the counsel to secure presence of Advocate Mr. S.G. Deshmukh, (who had earlier appeared on behalf of the applicant) at the time of hearing of this Review Application, this Review Application is being argued only by the new counsel. Since the order dated 11.03.2025, was passed after hearing Advocate Mr. S.G. Deshmukh, it is not proper to entertain any submissions raising dispute about the arguments for seeking review of the said order.

8. Apart from this, the controversy decided by order dated 11.03.2025, which is sought to be reviewed is about the restoration of maintenance application of the wife and husband is also allowed to participate in the proceedings which are restored.

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As such, the parties are in fact afforded the opportunity to participate in the proceedings and no prejudice is pointed out by the Review Applicant.

9. As regards the grounds raised by the applicant in this Review Application, it is seen that all the grounds are in the nature of grounds of appeal raising challenge to the order dated 11.03.2025. None of the grounds point out any kind of error apparent on the face of the record. It is settled position of law that scope of Review is limited and it cannot be in the nature of an appeal. It is profitable to make reference to the authoritative pronouncements of the Hon'ble Supreme Court in the recent matter of **State of Telangana and Others Versus Mohd. Abdul Qasim (Died) Per Legal Representatives**, reported at (2024) 6 SCC 461 and **Shri Ram Sahu (Dead) Through Legal Representatives and Others Versus Vinod Kumar Rawat and Others**, reported at (2021) 13 SCC 1, in which, the Hon'ble Supreme Court has elaborately discussed and reiterated the principles for entertaining Review Applications. The position of law is fairly settled that power of review has to be exercised with

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circumspection and on rare occasions. In the instant case, the review applicant has utterly failed to demonstrate any error on the face of record. As such, the instant Application for review is devoid of substance.

10. On consideration of these aspects, this application for review deserves to be dismissed. The Review Application is, therefore, dismissed. No order as to costs.

11. Pending Civil Application also stands disposed of.

(PRAFULLA S. KHUBALKAR, J.)

(R.G. AVACHAT,J.)

spc