



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

908 CIVIL APPLICATION NO. 2300 OF 2025
IN RAST/2240/2025

MANDEEPSINGH KARANSINGH LODWAL
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

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Advocate for Applicant : Party In Person.
AGP for Respondent/s-State : Mr. D. R. Korade.
Advocate for Respondent No.2 : Mr. S. S. Tope.
Advocate for Respondent No.3 In WP : Mr. C. A. Jadhav.

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CORAM : S. G. MEHARE, AND
SHAILESH P. BRAHME, JJ.

DATE : 06.03.2025

PER COURT :-

1. Heard the learned counsel for the applicant/petitioner.
2. Issue notice to the respondents.
3. Learned AGP waives service of notice for the respondent-State.
4. Delay of five (5) days in preferring the review application stands condoned. Civil application for condonation of delay is allowed.

5. Registry should register the review application.

6. The applicant in person who was a student of Law Final Year (Old Course) has approached this Court for seeking the relief allowing him to complete the law course on the basis of old pattern.

7. The applicant had a last opportunity to clear law graduation under old pattern. However, the dispute arose. The applicant had a case that he had filled up his form for final examination with the College on 27.03.2024. The College called the students for hall tickets on 15.05.2024. At that time, it was revealed that the examination form of the applicant was not submitted. During the course of hearing of the petitioner, it was brought to the notice of the Court that the offline examination applications were sent to the Examination Department of Dr. Babasaheb Ambedkar, Marathwada Vidyapith, Chhatrapati Sambhaji Nagar. It was also the case of the contesting respondents that in fact the applicant never filled up the examination form. However, out of humanity and to give him an opportunity an emergent arrangement was made. The forms with late fee were sent to the University. The

University had accepted it with late fees and the applicant was allowed to appear for examination Scheduled on 16.05.2024. In the course of hearing of the matter, various grounds were raised and blame game against each other was played. Considering the material placed on record before the Court, this Court dismissed the petition finding no merit. After the judgment was pronounced, the applicant has come with the present review application. He has raised in all three grounds in his review application.

(i) It has argued that the letter dated 15.05.2024 was misinterpreted.

(ii) The University failed to deliver the hall ticket.

(iii) The letter dated 16.05.2024 was misinterpreted.

8. Further, he has raised the ground of the diligent efforts and again the misinterpretation of the date on which the applicant was approached the College. In addition to the above, he brought some new grounds including the discovery of the new facts from the Bar Council of India. He has also tried to put into service the grounds of respondents incomplete misleading submissions and collusion in between the respondents. He also raised the ground that a similarly

situated students were allowed to appear after closing down the old course.

9. The applicant in person who is the Medical Practitioner, (Gynecologists} has argued at length.

10. The grounds which he has raised for review were heard. However, he started arguing like a layman. So, his assistance was not found good to address the Court. He was given understanding. So, he sought apology. However, being the guardian of the constitutional rights, we have given him patient hearing.

11. Learned counsel Mr. Tope for University who was present has vehemently argued that *prima facie* there are no errors on the face of the record. Discovery of the law which was in existence is not the new fact. The last date for filling the application was 10.02.2024 and it was extended till 24.02.2024 with late fee.

12. The learned counsel for the College has specifically denied that applicant approached the Court first time on 15.05.2024. His statement was responsible. However, on

humanity ground, the University considered the request and allowed the application. The applications were sent to the University a day before the examination. He has referred to the findings of this Court on the issues raised before the Court and prayed to dismiss the review application.

13. Learned AGP appearing for respondent No.1/State has a formal role.

14. Order 47 of CPC is of the review of the judgment. Review of the judgment is not a bare formality. Order 47 of the CPC requires certain grounds and the Court has to consider those grounds. The grounds enumerated in that orders are discovery of new and important matter or evidence which the party concerned after due exercise of due diligence could not produce or was not within his knowledge or could not be produced by him at the time when the matter was heard or on account of some mistakes or errors apparent on the face of record or for any other sufficient reason.

15. The first ground of misinterpretation of the letter dated 15.05.2024 is based upon its production. He says that he never produce that document on record. Therefore, erroneously it

has been observed that he produced it. We have gone through the original record and find that these documents were available on record and it was a relevant document. Hence, it was discussed. So, mere recording the finding that it was produced by the applicant would make no difference and it cannot be said to be error on the face of record.

16. So far as the failure of the University to deliver the hall ticket is concerned, the applicant has raised the factual aspects that he had never been to the University and no hall ticket was given to him. He has referred to the letter dated 21.03.2024 which is inter se communication between the Principal of Manikchand Pahade Law College and the students. On this fact, this Court has elaborately discussed and recorded the findings which were placed before the Court at the relevant time.

17. Further, he again referred to the letter dated 16.05.2024 and argued on its misinterpretation. For this purpose, he has referred to paragraph No.7 of the judgment under review. The findings on this point were on the basis of the facts. However, it has been observed that on 16.05.2024 the late fee was

accepted and every attempt was made to issue hall tickets. The factual aspects which were brought to the notice of the Court about the time for the first paper, generation of the hall ticket, sending it to the examination center and handing it over to the applicant were in consonance of the fact that though the applicant could not appear for the first examination of Cr.PC. subject, he appeared thereafter for remaining papers. Be that as it may, documents were not interpreted as argued. So far as the applicant's diligent efforts are concerned, this is a matter of fact that cannot be reviewed. So far as the misinterpretation of the date of which the applicant first approached the College is again the matter of fact. If factual mistakes are committed those are subject to the correction by the Appellate Authority.

18. As far as the ground of new fact revealed to the applicant about the BCI Rules informing him that there are no rule as such to restrict the attempts in the Bar Council of India Legal Association Rules is concerned, it pertains to the law in existence at the time of hearing of the petition. So, it cannot be considered to the new fact which was not within the knowledge of the applicant. Law is presumed to be known to every citizen of the country. So, it cannot be accepted that the

applicant is unaware of this rule. It is also not a ground for review. Rest of the grounds are apparently not the grounds falls under the provisions of review. Hence, we discard it.

19. To summarize the case, we record that the grounds raised by the applicant were not sufficient to review the order nor it does fall under Order 47 of CPC. Review is not a routine practice, however, it is cropping up rapidly after the judgments are delivered.

20. The review application is devoid of merits. Hence, it stands dismissed.

21. No order as to costs.

(SHAILESH P. BRAHME, J.)

(S. G. MEHARE, J.)

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