



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.4253 OF 2025
IN
REVIEW APPLICATION (CIVIL) (STAMP) NO.10298 OF 2025
IN
WRIT PETITION NO.4203 OF 2001**

ABA BAPU DANGE DIED THR LRS JALINDAR VAJINATH
DANGE DIED THR LRS LATABAI JALINDAR DANGE AND
OTHERS
VERSUS
VISHWANATH BHAURAO MORALE DIED THR LRS
BYSAKABAI VISHWANATH MORALE AND OTHERS

...
Mr. S. A. Dhengle, Advocate for Applicants.
Mrs. M. A. Kulkarni, Advocate for Respondent No.1 in WP.
...

**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 16th JUNE, 2025.**

ORDER:-

1. The present Civil Application is filed seeking condonation of delay of 23 years 27 days caused in filing Application for review of order dated 07.03.2002 passed by this Court in Writ Petition No.4203/2001, thereby confirming order passed by Maharashtra Revenue Tribunal (for short 'MRT'), who confirmed orders of Tahsildar as well as Sub Divisional Officer in proceeding under Tenancy Act.

2. Although present application is filed to condone delay, it is necessary to mention background leading to this application. In a proceeding under Section 37(A) of Hyderabad Tenancy and Agricultural Lands Act, 1950 and Rules 1958 (for short 'H.T. & A.L. Act, 1950 and Rules 1958'), Sub Divisional Officer upheld

decision of Special Tahsildar (Land Reforms), Latur. The order of Sub Divisional Officer was challenged by applicants before MRT at Aurangabad vide Case No.59/B/2000/TNC, which came to be dismissed vide order dated 24.07.2001. The order passed by MRT was challenged before this Court in Writ Petition No.4203/2001. However, this Court rejected Writ Petition vide order dated 07.03.2002. The applicants then filed Letters Patent Appeal No.40/2003, which has been dismissed by Division Bench of this Court vide order dated 09.02.2018 holding that Letters Patent Appeal is not maintainable. However, it is observed that lands in dispute were under supervision of Government due to some interim orders passed by this Court. One Vishwanath filed suit for possession, which was decreed in his favour. The applicants failed to prove their claim that they were protected tenants over suit land under H.T. & A.L. Act, 1950 and Rules 1958. It is held that applicants have no right to seek protection of possession. Similarly, Tahsildar as well as Sub Divisional Officer have recorded concurrent findings in favour of Vishwnath, as he is held to be successor of Bhaurao by Civil Court.

3. The applicants assailed order of Division Bench passed in Letters Patent Appeal before Hon'ble Supreme Court of India vide Special Leave to Appeal (C) No(s).8012/2019, which came to be dismissed vide order dated 26.07.2019. The Review Application

filed against order passed in Special Leave to Appeal alongwith IA/6787/2020 for condonation of delay is also rejected vide order dated 21.07.2020.

4. Thereafter, present Civil Application is filed seeking review of order dated 07.03.2002 passed in Writ Petition No.4203/2001, which has been confirmed upto Supreme Court. The Review Application is delayed by 23 years 27 days.

5. Mr. Dhengle, learned Advocate appearing for applicants submits that delay will have to be counted from the date of dismissal of Review Petition by Supreme Court i.e. from 21.07.2020.

6. Assuming his contentions as it is, from perusal of application, no reason is discernible to explain delay of about 4 years and 8 months from the date of dismissal of Review Petition. Mr. Dhengle submits that there are many legal heirs of original Writ Petitioner and time consumed in collecting Vakalatnama and instructions from them. Such explanation is hardly acceptable, when there is inordinate delay in filing proceeding. Perusal of order passed by Supreme Court do not show that while dismissing Special Leave to Appeal, liberty was sought to file Review against order passed by this Court. Even when Review Petition was moved against order

passed in Special Leave to Appeal, no leave was sought to file Review against order passed by this Court in Writ Petition.

7. This Court finds that present Review Application is filed with inordinate delay for which no explanation is given. Even on merit, this Court finds no reason to have re-look in matter. In result, Civil Application stands rejected.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/June-2025