

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3620 OF 2025
IN
REVIEW PETITION (ST) NO. 5760 OF 2025
IN
WRIT PETITION NO. 7720 OF 2019

WITH
REVIEW PETITION (ST) NO. 5760 OF 2025
IN
WRIT PETITION NO. 7720 OF 2019

Manesh Manik Mohite & Ors.

.. Review Petitioners

IN THE MATTER BETWEEN

Dadarao Krishna Saravade
(since deceased) by and through legal heirs
Chandrakant Dadarao Saravade & Ors.

.. Petitioners

Versus

Parvatibai Dadarao Sarvade & Anr.

.. Respondents

.....

- Mr. Sarthak S. Diwan, Advocate for Review Petitioners
- Mr. Kishor Patil a/w Mr. Prasad P. Kulkarni for Respondent Nos. 1 and 2

.....

CORAM : MILIND N. JADHAV, J.

DATE : MAY 09, 2025

P. C.:

1. Heard learned Advocates appearing for the parties..

INTERIM APPLICATION NO. 3620 OF 2025:

2. This Interim Application is taken out by Applicants i.e. Review Petitioners for condonation of delay of 175 days in filing the above captioned Review Petition.

2.1. Perused the Interim Application. For the reasons stated therein, Interim Application stands allowed. Delay of 175 days in filing the Review Petition is condoned.

2.2. Interim Application is allowed and disposed.

REVIEW PETITION (ST) NO. 5760 OF 2025:

3. This Review Petition is filed by parties who claim to be prior purchasers of some of the suit properties which are subject matter of the Suit properties determined by order dated 22.07.2024 passed by this Court in Writ Petition No. 7720 of 2019. By virtue of the said order, Consent Terms arrived at between parties to the Suit before the Trial Court were accepted by Court and Suit was determined between parties in accordance with the Consent Terms.

3.1. Mr. Diwan would persuade the Court to consider that Review Petitioners are prior purchasers in point of time having substantive right in some of the suit properties which are the subject matter of Consent Terms contained in the order dated 22.07.2024 and their rights are affected. If this is the claim of Review Petitioners, undoubtedly their claim can be adjudicated by a Competent Court having Civil / Original Jurisdiction to whom they ought to approach.

3.2. Insofar as maintainability of Review Petition is concerned, same is not maintainable since Review Petitioners were not parties to the

original Suit. Be that as it may, if any substantive right of the Review Petitioners is transgressed by virtue of the Consent Terms and the order passed by this Court on 22.07.2024, they are at liberty to approach the Competent Court and take recourse to legal remedy as available to them in accordance with law. If any such steps are taken by Review Petitioners, the same shall be governed strictly in accordance with law. No case for review has been made out in view of the aforesaid observations and findings. Review Petition stands disposed accordingly.

Amberkar

[MILIND N. JADHAV, J.]

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by RAVINDRA
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