

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO. 173 OF 2025
IN
WRIT PETITION NO. 13583 OF 2022

Bibhishan Rama Gore

....*Petitioner*

: *Versus* :

Divisional Joint Registrar, Co-op.

Societies, Pune and Ors.

....*Respondents*

Mr. Santaram Tarale, *for the Petitioner.*

Ms. Vaishali S. Nimbalkar, *APP for State.*

CORAM : SANDEEP V. MARNE, J.

DATED : 1 DECEMBER 2025.

P.C :

1) The petition is filed seeking review of order dated 18 October 2023.

2) I have heard Mr. Tarale, the learned counsel appearing for the Petitioner and have considered the submissions canvassed by him. It must be observed at the very outset that filing of the Review Petition by engaging another Advocate is something which is not appreciated by this Court. Order dated 18 October 2023 was passed based on submissions canvassed before the Court on that date. The learned advocate who has appeared today would not know the exact nature of submissions that were canvassed before this Court.

3) The Review Petition is filed complaining that the observations made in para-8 of the order are being quoted against the Petitioner in dispute filed by him before the Co-operative Court. Upon being queried about the exact nature of dispute filed before the Co-operative Court, Mr. Tarale submits that the dispute has been filed challenging Test Audit Report by alleging fraud. Once petition filed challenging the Test Audit Report is dismissed by this Court, it is questionable as to whether a dispute raising very same grievance would at all be maintainable before the Co-operative court. The contention that fraud was not alleged in the petition which is now sought to be raised in the dispute filed before the Co-operative Court, appears to be misplaced, in that once challenge is raised to the Test Audit Report by filing Writ Petition in this Court, principle of constructive *res-judicata* would apply and all available grounds are deemed to have been raised before this Court.

4) Be that as it may, after hearing extensive submissions of the learned counsel appearing for the Petitioner, this Court is unable to trace any error apparent on the face of the record warranting review of the order dated 18 October 2023. The Review Petition is accordingly **dismissed**.

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[SANDEEP V. MARNE, J.]