



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

MISC. CIVIL APPLICATION NO.741/2025 IN
WRIT PETITION NO.3147/2022(D)

Vasanta Khawale and others Vs. State of Maharashtra and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri N.B. Bargat, Advocate for petitioners
Ms. S.S. Jachak, Addl.GP for respondent/State

CORAM : M.S. JAWALKAR & PRAVIN S. PATIL, JJ..

DATE : 07.11.2025

By this application, the applicant is seeking review of the judgment and order dated 18.09.2025 passed by this Court.

2. According to the applicants, at the time of final argument, they were not possessing the copies of judgments of the Hon'ble Supreme Court of India reported in *M/s. A.P Electrical Equipment Corporation Vs. The Tahsildar and others reported in (2025) SCC OnLine SC 447*, *State of Uttar Pradesh Vs. Hari Ram reported in (2013) 4 SCC 280* and *Gajanan Kamlya Patil Vs. Additional Collector and Competent Authority (ULC) and others reported in (2014) 12 SCC 523*.

3. The applicants want to rely upon these case laws to state that this Court while exercising the powers under Article 226 of the Constitution of India can look into the disputed questions of fact and, therefore, relying on these

judgments, his submission is that this Court again look into the factual position and decide the petition afresh.

4. It will be necessary to state that the powers under review, as per the law laid down by the Hon'ble Supreme Court of India in catena of cases time and again, held that it is beyond any doubt or dispute that the Review Court does not sit in appeal over its own order. A rehearing of the matter is impermissible in law. It is also trite that exercise of inherent jurisdiction can not invoke for review of any order. Thus, it is followed that power of review can be exercised for correction of a mistake and not to substitute a view. The powers of review can be exercised within the limits of the statute dealing with the exercise of power. The review can not be treated an appeal in disguise.

5. Not only this, as per the settled position of law, the powers of review have to be strictly confined to the scope and ambit of Order 47 Rule 1 of the Civil Procedure Code. The power of review can be exercised when some mistake or error apparent on the face of record. But, there is also an exception to this, that such an error must strike merely looking at the record and would not require any long drawn process of reasoning on the points where they may be conceivable to take opinions.

6. In the light of above said legal position and perusal of the judgment delivered by this Court, it is clear that there

is a serious dispute of the factual position in the matter. So also there was inordinate delay and latches on the part of applicants to approach this Court. Hence, this Court by considering the law laid down by the Hon'ble Supreme Court of India and by appreciating the facts, *prima facie* available on record, dismissed the petition on the ground of delay and latches. So also held that, this Court cannot look into the serious disputed facts of the matter by exercising writ jurisdiction.

7. In the above background, the ground on which the petitioners are seeking review, according to us, is not permissible. The case laws which petitioners are relying upon, though stated that this Court while exercising the powers under Article 226 of the Constitution of India can look into the factual position, the same is depend on the facts and circumstances of each case, but considering the facts of the present matter, we are of the considered opinion that there is a serious dispute on factual position in the matter. Hence, in our considered opinion, we are not inclined to re-appreciate the entire facts in the review application.

8. So also, as per the settled principles of law as well as the provisions of review, it is not permissible to re-appreciate the entire factual position while deciding the review application.

9. The applicant failed to point out any error apparent on the face of record in the judgment and review is liable to be dismissed.

10. Hence, in view of the aforesaid reasons, we find no merit in the application and accordingly, the application stands dismissed. No order as to the costs.

(PRAVIN S. PATIL J.)

(M.S. JAWALKAR, J.)

R.S. Sahare