



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION (CIVIL) NO.40 OF 2026
IN
CIVIL APPLICATION NO.6964 OF 2025
IN FA/1221/2018

The Executive Engineer,
L.M.P. Division, Latur,
Through the Executive Engineer,
Minor Irrigation Division, Latur.

... Applicant

(Orig. Respondent No.2.)

Versus

1. Manik S/o. Shankarrao Dahiphale,
Age : 81 years, Occu. : Agriculture,
R/o. Bhandarwadi, Tq. Renapur,
Dist. Latur.
Now R/o Prashant Nagar, Ambajogai,
Dist. Beed.

2. The State of Maharashtra,
Through the Collector,
Latur.

... Respondents

(Resp No.1 is the Orig.
Applicant & Resp No.2
is the Orig. Resp No.1)

.....

Mr. Shirish G. Sangle, Advocate for Applicant.
Mr. Vijay Jogdand, Advocate for Respondent No.1.
Mr. V. M. Jaware, AGP for Respondent – State.

.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 25 MARCH 2026

PRONOUNCED ON : 27 MARCH 2026

ORDER :

1. This is a review application of order dated 14.08.2025
passed by this Court in Civil Application No.6964 of 2025 in

FA/1221/2018, by which this Court condoned the delay caused in bringing legal heirs on record.

2. Learned counsel for review applicant would point out that, against the order passed in Land Acquisition Reference dated 19.12.2014, First Appeal is preferred. In the said matter, this Court had issued notice to respondent. It is pointed out that, on 25.06.2025, learned counsel for sole respondent – original claimant had informed that he had instructions to appear on behalf of legal heirs of deceased respondent, and therefore, matter was adjourned on 10.07.2025 and again for want of copy of Civil Application, matter was adjourned twice on 24.07.2025 and 14.08.2025. That, subsequently, Civil Application No.6964 of 2025 has been filed in First Appeal No.1221 of 2018 for condonation of delay in bringing legal heir of deceased Parwatibai on record, who allegedly died way back on 11.10.2001.

3. Learned counsel for review applicant emphatically submitted that, copy of the said Civil Application was not served to the present review applicant, and moreover, in the Civil Application sufficient cause for condoning the delay of 23 years, has not been explained. That, according to learned counsel, it was duty of applicant in Civil Application to point out the huge delay, but the said delay was not pointed out, nor stated in the Civil application, but still

delay has been condoned by this Court, and hence, he seeks review of the said order dated 14.08.2025 passed by this Court.

4. Learned counsel for respondent opposed on the ground that, review is not maintainable and that the review applicant has to approach the Hon'ble Apex Court.

5. In the light of above objection, it needs to be noted that the review is permissible, if the order suffers from an error on the face of record, such as failure to apply the law of limitation correctly or failure to consider that there was unexplained inordinate delay. Therefore, on the point of maintainability of review, the objection does not sustain.

6. Here, on going through the record, it is emerging that, First Appeal is at the instance of Executive Engineer, L.M.P. Division, Latur, who are original respondent no.2 in the Civil Application No.6964 of 2025, whereas present respondent No.1 is original applicant. Record shows that, by virtue of notification under section 4 of the Land Acquisition Act, award came to be passed regarding acquisition of land of one Parwatibai w/o. Shankarrao Dahiphale. She seems to have preferred Reference under section 18 of Land Acquisition Act and the same was partly allowed by common judgment and award dated 19.12.2014, against which First Appeal

bearing No.1221 of 2018 has been preferred by present review applicant and the same is pending.

7. It appears that, during pendency of appeal, original claimant Parwatibai died on 11.10.2001. Son of Parwatibai, i.e. Manik S/o. Shankarrao Dahiphale (present respondent) moved a Application for taking him on record as legal heir of Parwatibai. Said Application is numbered as Civil Application No.6964 of 2025.

8. On 14.08.2025, learned counsel appearing for proposed LR's did not point out to this Court that there was 23 years of delay in bringing legal heir on record. On close scrutiny of the Civil Application No.6964 of 2025, indeed, it is emerging that neither delay of 23 years is reflected in the application for bringing LR's on record nor in the prayer clause there is reference to that extent and this is noticed today only on review. Taking the statement of learned counsel for applicant into account that applicant is legal heir of Parwatibai, who was a original claimant, this court had passed an order on 14.08.2025.

9. On review being taken, it is emerging that, inadvertently, this Court, by believing the statement made across the bar that, there is simplicitor application for bringing legal heir on record of original claimant, had passed an order. Learned counsel for review applicant

Shri Sangle was not present that day and he also pointed out that, in Civil Application for bringing LRs on record bearing no.6964 of 2025, sufficient cause for inordinate delay has not been pointed out. Therefore, in the light of above discussion, it is a fit case for review, as apparently, there is no explanation for the delay of 23 years caused in bringing legal heirs of deceased Parwatibai on record.

10. Hence, the order dated 14.08.2025 passed by this court is required to be reviewed and accordingly Civil Application for bringing legal heirs on record being devoid of merits, the same is required to be rejected for want of sufficient cause for condonation of inordinate delay i.e. by allowing the review application. Hence, the following order is passed :

ORDER

(i) Review Application is hereby allowed.

(ii) The order dated 14.08.2025 passed by this Court is hereby reviewed and recalled.

(iii) Civil Application No.6964 of 2025 is rejected.

(ABHAY S. WAGHWASE, J.)