



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION NO. 155 OF 2025
IN
WRIT PETITION NO. 10948 OF 2018

Ramchandra S/o. Dashrath Gawade ... Applicant
Versus
Bhimabai W/o. Baburao Waghmare and Ors. ...
Respondents

Mr. Ajinkya Joshi i/b. Mr. Sharad Natu, Advocate for the
Applicant.

CORAM: MANJUSHA DESHPANDE, J.
(THROUGH V.C.)

DATED: 12 FEBRUARY 2026.

ORDER :-

1. The Applicants who are Respondents 1 to 7 in the Writ Petition No. 10948 of 2018, are seeking review of the order passed by this Court *vide* judgment dated 28.03.2025, whereby the order dated 29.06.2018 passed by the Respondent No. 9 District Superintendent of Land Record, Ahmednagar in Consolidation Appeal No. 825 of 2016 is quashed and set aside.

2. The learned Advocate Mr. Ajinkya Joshi appearing for the Applicant submits that it is very much within the powers of the District Superintendent of Land Records to correct its

order for making corrections of typographical error. The order under challenge dated 29.06.2018, has been passed for correcting such error that has crept up in the order dated 28.02.2017. Hence, the observation made by this Court is untenable, which needs reconsideration.

3. Upon perusal of the order passed in the Writ Petition, I do not find any substance in the objection raised by the Applicant. The previous order has been passed by the District Superintendent of Lands Record dated 28.02.2017, on the Appeal filed by the Applicant, the Appeal has been allowed by condoning the delay and the Deputy Superintendent of the Land Records was directed to conduct the measurement of Survey No. 95 as per the possession of the respective parties and thereafter prepare a proposal for correction of scheme under Section 32(1) of the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act, 1947. This order is corrected by order dated 29.06.2018, claiming to be a typographical mistake. Upon perusal of the corrected order passed on 29.06.2018, the very purport of the order is changed, directing to prepare a scheme under Section 32 (1) after taking into account the old record i.e. 7/12 extract and record of right, that was existing prior to the coming into force of the Consolidation Scheme.

Firstly, this correction is not a correction of typographical mistake. In fact very purport of the order is changed, which was not permissible. Secondly, as already

observed in the order under review, an application seeking correction in the order dated 28.02.2017, was sought after it was acted upon. Therefore, correction in such order was not permissible. Although the learned counsel relied on the circular dated 25.08.1990, to contend that record prior to Consolidation Scheme is to be considered, while making corrections in the scheme, however, the circular will not be applicable since the order which was passed subsequently was much beyond the powers of making correction in the clerical or typographical mistake.

4. The other ground which has been raised by the Applicant is that in fact he has filed application for correction of the mistake in the year 1998 and 2005, however, his applications were not acted upon. Hence, the delay has occurred in filing the Appeal before the competent authority. So far as delay is concerned, all the judicial pronouncement as regards correction of the consolidation scheme is concerned, lay down that the delay beyond period of three years does not deserve to be condoned. Hence, even this ground does not deserve any consideration. Catena of decisions have been delivered by this Court on this issue, some of which have already referred in the order under review.

5. Learned advocate for the Applicant has not raised any new ground for reviewing the order. All the points raised in the present Application were already agitated while arguing the matter and after giving due consideration to the issues

raised by the Applicant, the order came to be passed by this Court. Considering that the scope of review is limited, and it is trite law that only in case of a mistakes or errors, which are apparent on face of record, or upon discovery of new facts, there is scope for any interference. As such, no case for interference is made out in the Application.

6. In this regard, this Court may profitably refer to the judgment by the Apex Court in the case of ***Malleeswari Vs. K. Suguna & Ors.***¹ once again laying down comprehensive grounds of review. Paragraph Nos.17 and 18 of the said judgment read thus:

“17. Having noticed the distinction between the power of review and appellate power, we restate the power and scope of review jurisdiction. Review grounds are summed up as follows:

17.1 The ground of discovery of new and important matter or evidence is a ground available if it is demonstrated that, despite the exercise of due diligence, this evidence was not within their knowledge or could not be produced by the party at the time, the original decree or order was passed.

17.2 Mistake or error apparent on the face of the record may be invoked if there is something more than a mere error, and it must be the one which is manifest on the face of the record. Such an error is a patent error and not a mere

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wrong decision. An error which has to be established by a long-drawn process of reasoning on points where there may conceivably be two opinions can hardly be said to be an error apparent on the face of the record.

17.3 Lastly, the phrase ‘for any other sufficient reason’ means a reason that is sufficient on grounds at least analogous to those specified in the other two categories.

18. Courts ought not mix up or overlap one jurisdiction with another jurisdiction. Having noted the appellate and review jurisdiction of the Court, we will apply these principles to the impugned order to determine whether the High Court was within its power of review jurisdiction or had exceeded it by reversing the findings, as if the High Court were sitting in appeal against the order dated 23.09.2022. We appreciate the above tabulated summary of the view taken in the impugned order while doing so.”

In view of the aforementioned settled position of law about the maintainability of review, none of the grounds raised by the Applicant makes out a case for review. Hence, review Application stands dismissed.

(MANJUSHA DESHPANDE, J.)