

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO.43 OF 2026

IN

WRIT PETITION NO.13512 OF 2016

Rajesh U. Narawade
& Another

.. Petitioners.

Versus

Shri Sopan M. Umap & Others

.. Respondents.

Adv. Y. B. Lengare with Adv. Aditya Gaikwad and Adv. Sunny Sadafule, for the Petitioners.

Adv. Akhil Kupade i/b. Adv. Irshad Malik, for Respondent Nos. 1 to 6.

**CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.**

DATE: MARCH 11, 2026

P. C.

1 The above Review Petition has been filed seeking a Review of the Order dated 3rd October, 2017.

2 By the Order under Review, the Writ Petition, which forms the subject matter of the Order, was allowed holding that the land acquisition proceedings in respect of the lands in question had lapsed by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land

Acquisition, Rehabilitation and Resettlement Act, 2013 (for short “the New Land Acquisition Act”).

3 In coming to this conclusion, this Court followed the decisions of the Hon’ble Supreme Court in the case of *Delhi Development Authority v/s. Sukhbir Singh & Others* reported in *AIR 2016 SC 4275* as well as in *Pune Municipal Corporation & Another v/s. Harakchand M. Solanki & Others* reported in *(2014) (4) Mah. L.J. 566*.

4 The ground on which Review is sought is that the decision in the case of *Pune Municipal Corporation (supra)* has subsequently been overturned by the Hon’ble Supreme Court in the case of *Indore Development Authority v/s. Manoharlal & Others (2020) 8 SCC 129*. This decision of the Hon’ble Supreme Court (*in Indore Development Authority*) was rendered on 6th March, 2020. This is the only ground on which Review of the Order dated 3rd October, 2017 is sought.

5 We are afraid that the above Review cannot be entertained in light of the Explanation to Order XLVII Rule 1 of the Code of Civil Procedure, 1908.

6 Order XLVII Rule 1 stipulates that any person considering himself aggrieved (a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred, (b) by a decree or order from which no appeal is allowed, or (c) by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter of evidence which, after exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of the judgement to the Court which passed the decree or made the order. What is important for our purpose, is the Explanation to Order XLVII Rule 1. The Explanation explicitly states that the fact that the decision on a question of law on which the judgement of the Court is based has been reversed or modified by the subsequent decision of a superior Court in any other case, shall not be a ground for the review of such judgement. For the sake of convenience, the provisions of Order XLVII Rule 1 are reproduced herein below:-

“1. Application for review of judgment.-(1) Any person considering himself aggrieved,—

(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,

(b) by a decree or order from which no appeal is allowed, or
(c) by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order.

(2) A party who is not appealing from a decree or order may apply for a review of judgment notwithstanding the pendency of an appeal by some other party except where the ground of such appeal is common to the applicant and the appellant, or when, being respondent, he can present to the Appellate Court the case on which he applies for the review.

Explanation. The fact that the decision on a question of law on which the judgment of the Court is based has been reversed or modified by the subsequent decision of a superior Court in any other case, shall not be a ground for the review of such judgment."

(emphasis supplied)

7 As can be seen from the above Explanation, merely because a subsequent decision has overturned the law laid down, cannot be a ground for review. In the facts of the present case, a 5 Judge Bench in ***Indore Development Authority (supra)*** overturned the law laid down by the Hon'ble Supreme Court, inter alia, in ***Pune Municipal Corporation (supra)***. The judgement under Review reached its conclusion on the basis of the judgement of the Apex Court in the case of ***Pune Municipal Corporation***

(supra) ; and *Delhi Development Authority (supra)*. The overturning of the decision in *Pune Municipal Corporation (supra)* is the ground on which review is sought. Once these are the facts before us, we find that no case for Review is made out.

8 The Review Petition is accordingly dismissed. However, there shall be no order as to costs.

9 This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]