

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 38634 OF 2025**

Swapnil

**IN
REVIEW PETITION (ST.) NO. 23198 OF 2024**

Damodhar Devram Gawhane. ... Applicant/Petitioner

Vs.

Indubai Namdeo Shivkari

and Ors. ... Respondents

Mr. Lengare Y. B., Mr. Sunny Sadafule for the applicant.

Mr. Sachin Kada, for respondent no. 1 to 6.

Mr. M. S. Bane, AGP for the Sate.

CORAM : GAURI GODSE, J.

DATE : 12th February 2026

ORDER :

1. This review petition is filed on behalf of respondent no.3 in the writ petition through a new advocate.

2. Learned advocate for the review petitioner submits that the land acquisition award dated 31st March 1988 and 15th June 1989 were not pointed out to the court when the petition was decided. He submits that since the earlier advocate did not point out these facts, the order under review needs to be modified and the petition needs to be heard afresh.

3. Learned counsel for respondent nos. 1 to 6 opposes the review petition on the ground that the filing of this petition through the new advocate amounts to abuse of process of law. He submits that such practice is deprecated by the Hon'ble Apex Court by imposing heavy cost. He relies upon the decision of the Apex Court in the ***Tamilnadu Electricity Board and Anr. Vs. N. Raju Reddiar and Anr***¹ and decision of this court in ***Shobha Bajirao Damodar Vs. Trira TNA Krida and Shikshan Prasarak Mandal, Akola and Ors.***²

4. I have perused the judgment under review and the papers of the petition, the dispute in the petition was pertaining to the orders of allotment of alternate lands in view of the acquisition pursuant to the land acquisition award dated 15th June 1989. There is nothing shown to indicate that the award dated 31st March 1988 would be relevant, to the allotment of alternate lands made pursuant to the award dated 15th June 1989. I, therefore, do not find any substance in the grounds raised in the review petition. The review petition does not warrant any interference as none of the grounds raised in the review petition satisfy the parameters for exercising the powers to review the order.

¹ (1997) 9 SCC 736

² 2008 Supreme (Bom) 1512

5. Learned counsel for respondent nos. 1 to 6 is right in pointing out the decision of the Apex Court, where such practice of filing a review petition by changing advocate is deprecated by imposing cost.

6. Since, there is delay in filing the review petition, the Interim Application No. 38634 of 2025 is filed for condonation of delay. In the facts and circumstances of the case, the delay is condoned.

7. For the reasons recorded above, the review petition is rejected.

8. Any other pending application, is disposed of as infructuous.

[GAURI GODSE, J.]