
(2025) 06 BOM CK 0079

In the Bombay High Court, Aurangabad Bench

Case No : Review Application No. 114 Of 2022 In Writ Petition No. 1980 Of 1998
With Civil Application No. 10347 Of 2024, 683 Of 2023

Gaurishankar Mohanlal Vyas Deceased Thr Lrs Purushottam Mohanlal Vyas **APPELLANT**

Vs

Imamsaheb Ismail Saheb Diedthrlrs Mehtab Imamsaheb Died Lrs Abdul Azar Mehataasaheb Khriwale And Ors **RESPONDENT**

Date of Decision : 09-06-2025

Acts Referred:

Constitution of India, 1950 — Article 226, 227
Code of Civil Procedure, 1908 — Section 114, 151, Order 1 Rule 10, Order 1 Rule 10(2), Order 22 Rule 3, Order 22 Rule 4, Order 22 Rule 9, Order 47 Rule 1
Bombay Revenue Tribunal Regulations of 1958 — Section 24, 25
Hyderabad Tenancy and Agricultural Lands, Act, 1950 — Section 32, 44, 46, 89, 90(4), 102

Citation : (2025) 06 BOM CK 0079

Hon'ble Judges : Manjusha Deshpande, J

Bench : Single Bench

Advocate : V.D. Sapkal, D.R. Bhadekar, R.S. Deshmukh, Devang Deshmukh, P.V. Mandlik, V.D. Gunale, B.R. Kedar, P.R. Katneshwarkar, R.L. Kute, A.N. Nagargoje

Final Decision : Dismissed

Judgement

Manjusha Deshpande, J

1. This Review Application has been filed by the applicant seeking review of the judgment and order passed by this Court in Writ Petition No. 1980 of 1998. Writ Petition No. 1980 of 1998 was filed under Article 226 and 227 of the Constitution of India, challenging order passed by Maharashtra Revenue Tribunal, Aurangabad, (hereinafter referred to as 'MRT' for brevity) in case No. 27/13/92 confirming the order dated 22.01.1992 in case no. 89/TNC/4/18 passed by Deputy Collector, Latur.

2. The present matter emerged from interwoven set of proceedings, involving various parties and decisions rendered by the Civil Court, High Court, Revenue

Authorities and the Hon'ble Supreme Court. The factual matrix relevant for present Review Application is noticed as under :

i. One Mariyambi was original landlady of the suit land. She filed an application for recovery of possession of survey no. 243 and 248 admeasuring 21 acres 6 gunthas and 23 acres 7 gunthas, respectively, from the respondent tenants before the Tahsildar.

ii. The application was partly allowed by order dated 06.11.2059 and possession to the extent of 21 acres 6 gunthas from survey no. 243 and 2 acres 34 gunthas from survey no. 248 was restored to Mariyambi.

iii. The remaining portion of survey no. 248 admeasuring 20 acres 13 gunthas was left with the respondents/tenants. Admittedly, there were three joint tenants, namely, Imam Saheb, Mehtaab and Govind Sul. They were jointly cultivating the lands under tenancy.

iv. The order passed by the Tahsildar dated 06.11.1959, was challenged by tenants as well as owner Mariyambi before the Collector. The appeal filed by the tenant was allowed in terms of order passed by mutual consent. As a result of order dated 04.06.1963, Mariyambi received possession of 11 Acres 20 Ares, land from survey no. 243 and 12 acres 20 gunthas out of survey no. 248. On 22.03.1967, Mariyambi executed Hibba (oral gift) of land, admeasuring 11 Acres 20 Gunthas out of Survey No. 243 in favour of her brother's son Abdul Hamid who was cultivating the land on her behalf.

v. At the same time, she had executed oral gift deed of land Survey No. 248 in favour of one Hoor Begum and also handed over possession of the land. Thus, Abdul Hamid and Hoor Begum were handed over possession of their respective lands in 1972.

vi. In 1972, Abdul Hamid filed Regular Civil Suit No. 263 of 1972, in the Civil Court for perpetual injunction against Mariyambi and the tenants. On 15.12.1972, Abdul Hamid sold land Survey No. 243 to the present petitioner - Gauri Shankar Vyas.

vii. On 03.08.1973, the tenants filed an application under Section 46 of Hyderabad Tenancy and Agricultural Lands, Act (hereinafter referred to as 'HT&AL Act'), against Mariyambi for recovery of possession, alleging that she had committed breach of condition of the order dated 06.11.1959, passed under Section 44 of HT&AL Act.

viii. On 30.11.1973, the application was dismissed on the ground that it was filed beyond the prescribed period of limitation. On 19.04.1975, the appeal filed by the tenants was also dismissed. The tenants challenged the order before the MRT. During the pendency of proceedings, one of the tenants, Govind Bajirao Sul expired on 14.09.1975.

ix. The MRT partly allowed the tenants' Revision Application and set aside the

order dismissing their application under Section 46 of the HT&AL Act. The Member (MRT), remanded the case back to the Tahsildar for fresh enquiry. The MRT has remanded the matter to the trial Court for fresh enquiry into the claims of the surviving petitioners (tenants). It was directed that the trial Court should make an enquiry and record the evidence, and thereafter decide all the questions of law and facts, according to the merits of case, and provisions of law. On 14.10.1979, one of the tenants Imam Saheb died. His legal representatives were brought on record.

x. After remand, the application under Section 46 of HT&AL Act, filed by the tenants was dismissed by the Tahsildar.

xi. The appeal filed by the tenants against the order of Tahsildar was allowed by the Deputy Collector on 22.01.1992. Finally on 03.03.1998, the Revision Application filed by the petitioner against the order of Deputy Collector was dismissed by the MRT. The order passed by the MRT dated 03.03.1998 is the subject matter of Writ Petition No. 1980 of 1998.

3. After hearing the parties at length this Court in Writ Petition No. 1980 of 1998 has framed points for consideration which reads as under :

i) Whether the tenants' application under Section 46 of the HT&AL Act was barred by limitation in view of the provisions of Section 32 of the HT&AL Act?

ii) Whether the petitioner proves that the land in question was included in the Municipal limits of Latur prior to the tenants' application under section 46 and thereby the provisions of Section 102 of the HT&AL Act would prevent the tenants from making the application and whether the provisions of the HT&AL Act would not apply to the land in question ?

iii. Whether the application under Section 46 is abated as far as the legal representatives of tenant Govind Sule are concerned ?

4. This Court after taking into consideration the submissions made by the respective parties has decided the writ petition vide order dated 13.08.2010.

5. Being aggrieved by the order passed in the Writ Petition the petitioner has filed Letters Patent Appeal No. 304 of 2010 challenging the order in WP No. 1980 of 1998. The LPA has been dismissed by this Court vide judgment dated 04.02.2019, by holding that Letters Patent Appeal against the order in Writ Petition is not maintainable. The order passed in LPA was challenged before the Supreme Court. The Special Leave to Appeal No. 1195 of 2019 has been dismissed vide order dated 02.07.2019. After dismissal of the Special Leave to Appeal, the petitioners have filed Review in LPA along with Civil Application for condonation of delay. The Civil Application has been dismissed by this Court vide order dated 20.02.2020, as a result, even the Review Application has been dismissed. Upon dismissal of the Civil Application No. 2250 of 2020, the petitioner once again approached the Hon'ble Supreme Court by filing in SLP No. 15136 of 2020 wherein the Hon'ble Supreme Court has passed following order :

"Delay condoned.

On hearing learned counsel for the petitioner and noticing the many impediments in the way of the petitioner in prosecuting the present special leave petition as only the review order sought to be assailed, and also taking into consideration that the letter patent appeal was not maintainable before the Division Bench and thus really there cannot be a review of that order, possibly the only remedy for the petitioner was to have approached the learned single judge which the petitioner failed to do in the review jurisdiction.

In the conspectus of the matter, we are of the view that at best the petitioner can be given the liberty to approach the learned single judge by filing review petition within thirty days from today and on such, a review petition being filed, the same will be examined by the learned single judge on merits. We, however, make it clear that there is no further liberty to come back to this Court.

The special leave petition stands dismissed with the aforesaid liberty.

Pending application(s) stand disposed of."

Pursuant to the liberty granted by the Supreme Court, the petitioners have filed the present Review Application.

6. Learned Senior Advocate Mr. Sapkal, appearing for the petitioner submits that, though this Court had framed three points for consideration in the Writ Petition, so far as point No. 3 is concerned, this Court has failed to record finding thereon. The undecided point is crucial and of vital importance. The answer to the said point would decide the fate of subsequent proceedings, those have taken place, after the orders were passed by this Court on 13.08.2010. It is his submission that, this is an error apparent on the face of record. This Court while deciding the writ petition though framed a point, however has failed to answer the same. Therefore, this is an error apparent on the face of record, for which the petitioners have filed the Review Application. Though, the petitioners have filed Review Application raising various grounds, the learned Senior Advocate, while making his submissions has restricted his challenge to the ground 'D' in the grounds of challenge to the Review Application which reads thus :

"D. In spite of raising the point in respect of abatement caused due to death on one of the joint tenants in detail, in the written submission No. 5, though the point was framed but no finding was given in the judgment, as to whether the whole proceedings of Application U/s. 46 of the Act, stands abated and not only as far as legal representatives of tenant – Govind Sul were concerned. Relied on the judgment of the apex Court reported in AIR 1962 SC 89, State of Punjab V/s Nathu Ram and other judgments."

7. In view of the submission of the learned Senior Advocate Shri Sapkal, the present Review Application is now restricted only to the extent of ground raised in Clause No. D i.e. effect of abatement caused due to death of one of the joint tenants. It is his submission that this Court has failed record a finding, as to

whether the whole proceedings, on the application under Section 46 of the Act, stands abated or whether its stands abated only to the extent of that tenant, who has expired and his legal representatives have not been brought on record. According to the learned Senior Advocate, while allowing the Revision Application partly, the MRT has wrongly relied on Section 24 and 25 of Bombay Revenue Tribunal Regulations of 1958, when in fact Section 89 and 90 (4) of the HT&AL Act and the provisions of Code of Civil Procedure along with provisions of Mamlatdar's Courts Act, are applicable.

8. It is contended that, the whole proceedings before the MRT stand abated in view of Order XXII Rule 9 of Code of Civil Procedure and Section 18 (3) (ii) of the Mamlatdar's Courts Act. In support of his contention the learned Senior Advocate has relied on reported judgment of this Court in 1998 (3) MhLJ 618, Jayalaxmi Janardhan Walawalkar and others V/s. Lilachand Laxmichand Kapasi and others.

9. This Court in the aforesaid reported judgment has observed that, Order I Rule 10 (2) is not intended to override the specific provision of Order XXII Rule 3, 4 or 9 of the Code of Civil Procedure. After abatement of suit, the Court has no jurisdiction to substitute the heirs by indirect method of impleadment of necessary parties under Order I Rule 10 of CPC, by invoking inherent powers of Court under Section 151 of CPC.

10. Further reliance is placed on the reported judgment of the Hon'ble Apex Court in 2018(2) MhLJ 533, Pankajbhai Rameshbhai Zalvadiya Vs. Jethabhai Kalabhai Zalvadiya and others. The following observations in the reported judgment have been relied by the petitioners :

"Where each one of the party has an independent and distinct right of his own not interdependent upon one or other, the appeal would abate in toto for simple reason that Law does not permit two contradictory decree on the same subject matter."

11. According to learned Senior Advocate, the aforementioned observations of the Hon'ble Apex Court are squarely applicable to the present case and sufficient enough for entertaining the present Review Application. He has also placed reliance on the other judgments of the Hon'ble Apex Court in order to substantiate his stand that, when decree is joint and part of decree has become final by reason of abatement, the entire appeal must be held to have been abated. Thus according to him, upon death of Govind Sul, the entire proceedings should be held to have been abated. It is necessary that the entire proceedings stand abated in order to avoid conflicting orders which are likely to be passed, if the suit abates against only one of the person and proceeds against the others.

12. It is also submitted that the HT&AL Act is a special statute and a complete code in itself. Section 90 (4) of the Act lays down that the Bombay Revenue Tribunal shall exercise all the powers, which the appellate court has, and follow the same procedure which a court follows in deciding the Appeals from the decree of an original court under the Code of Civil Procedure, 1908.

13. It is his contention that, in view of the clear position of law, the MRT has committed an error by remanding the matter to the Tahsildar, in respect of surviving tenants. Though this Court, framed point for consideration of this issue, it has committed an error by failing to answer the same. According to him, as a result of the erroneous order passed by the MRT on 30.03.1978 by applying Section 24 and 25 of the Bombay Revenue Tribunal Procedure Act, 1957, the subsequent proceedings are rendered void and without jurisdiction. Even the order passed in Writ Petition No. 1980/1998, is also without jurisdiction, since it arises out of the order which is passed after remand in subsequent proceedings.

14. The Review Application has been opposed by the respondents. The respondents have relied on the Reply Affidavit already filed by them in the writ petition, as well as in the present Review Application.

15. Respondent nos. 9-1-a to 9-1-c, 10, 11-A, 12 and 13, have filed short Reply Affidavit, opposing the maintainability of Review Application. Learned Advocate Shri Gunale has opposed the the Review Application contending that, the Review Application filed under Section 114 read with Order 47 Rule 1 of the CPC is not maintainable, since no new material is brought on record by the petitioner, in order to enable this Court to entertain it. It is submitted that, the petitioner has failed to demonstrate that, the points which have been raised by him were not within his knowledge or he could not produce it when this Court has passed order on 13.08.2010. There is no 'error apparent on face of record' for entertaining the Review Application. The grounds raised by the petitioner in the present review application were already raised before this Court in writ petition itself.

16. According to him, much water has flown after the order has been passed by this Court in the year 2010. The petitioner has filed various proceedings and the matter has reached the Hon'ble Supreme Court arising out of civil proceedings as well as the Tenancy proceedings. The Hon'ble Supreme Court has refused to entertain the Special Leave Petition filed by the petitioners. It is submitted that apart from the proceedings which were initiated under the HT&AL Act, proceedings in civil court were initiated by Abdul Hamid against Mariambi - the landlady. The respondents nos. 9-1-a to 9-1-c, 10, 11-A, 12 and 13, are the purchasers from Abdul Hamid, who was in possession of the land on the basis of Hibanama. Abdul Hamid had filed Regular Civil Suit No. 263/1972 for declaration and injunction against Mariambi and other tenants, the suit was dismissed on 15.10.2005. The Regular Civil Appeal No. 219/2005, was partly allowed against which the Second Appeal No. 442/2009 was filed by the respondents before this Court. The Second Appeal was dismissed by holding that the claim of tenant will be subject to the final decision in Writ Petition No. 1980 of 1998, which was pending, then.

17. Being aggrieved by the order of dismissal of Second Appeal, Special Leave Petition was preferred against the order. The Hon'ble Apex Court granted leave on 27.08.2019, and decided the Special Leave to Appeal by holding that, the gift deed which was executed by the Mariyambi in favour of Abdul Hamid was not

valid and Abdul Hamid has no right in the property. Any transfer effected by him would be void ab initio. It is held that, Mariyambi could not have transferred the land to Abdul Hamid within 10 years from receiving the land back from the tenants.

18. The Special Leave Petition filed by Abdul Hamid and subsequent transferors, have been dismissed by the Hon'ble Supreme Court on 09.05.2019 and 22.07.2019 respectively. As a result of the order passed by the Hon'ble Supreme Court, the issue has attained finality and, therefore, there is no scope for Review of the order passed by this Court. Hence, the review petition is not maintainable. It is alleged that the petitioners have deliberately suppressed the subsequent events and various orders passed by Hon'ble Apex Court from this Court.

19. The Review Application has also been opposed on behalf of respondent No. 3 represented by learned Senior Advocate Shri. R. S. Deshmukh. He submits that the present petitioner is a purchaser of land from Abdul Hamid. Abdul Hamid is the person, in whose favour the Hiba was executed by Mariambi - the landlady, and the entire proceedings have been decided against Abdul Hamid. The Supreme Court has held that the Hiba which was executed by Mariyambi in favour of Abdul Hamid is not valid. Abdul Hamid had no right in the property and any transfer made by him would be void ab initio. Therefore the petitioner, who is the purchaser from of said Abdul Hamid, has no locus to challenge the orders passed by the MRT. Hence, even the present Review Application filed by the petitioner, who is not a valid purchaser, has no locus or any right to file the Review Application.

20. It is further submitted that, considering that the proceedings have attained finality in view of the orders passed by the Apex Court, there is no merit in the Review Application. The petitioner has suppressed the earlier orders passed by the Hon'ble Apex Court, not only from this Court but even from the Apex court. As a result of which, the Apex court has passed an order granting liberty to the petitioner to file Review Application before this Court. He submits that execution proceedings are pending before the Revenue Authority. In the Special Leave to Appeal No. 13155/2021 vide order dated 08.10.2021, the Hon'ble Apex Court has issued directions to the executing Court to carry out mutation entries expeditiously. Only with a view to create hurdles in the execution, the present Review Application is filed. Hence, the same does not deserve consideration.

21. Apart from the reply affidavits filed by the respondents, Civil Applications for intervention have also been filed by the subsequent purchasers. Civil Application No. 10347/2024 is filed by Sanjay Shivdatt Vyas and another, claiming that they are the owners and possessors of some of the disputed property.

22. Learned Advocate Mr. Ankush Nagargoje for the applicants - intervenors submits that, the petitioner's father Mohanlal had five sons. One of the sons i.e. Shivdatt is the father of the applicant. It is his contention that, Mohanlal had joint family with his five sons, the property was purchased in the name of

petitioner Gauri Shankar. Father of the applicant Sanjay had filed RCS No. 364/1994 against Gauri Shankar, claiming perpetual injunction in respect of properties including survey No. 243 which is the disputed property and subject matter of the present proceedings. A compromise was arrived at between the parties in the suit, as a result of which, 9000 sq.mts. from Survey No. 243 came to be allotted to share of Shivdatt who is the present applicant. That is how he claims to be affected by the outcome of the proceedings pending before this Court. He supports the stand taken by the petitioner that, the unanswered issue in the Writ Petition is of vital importance, and issue is germane in the proceedings. It is their contention that, the joint decree in favour of the tenants becomes in-executable as a result of abatement of one of the tenants, more so in view of the ratio laid down in the matter of Sardar Amarjit Singh Karla (Dead) by LRs Versus Pramod Gupta (Dead) by LRs, (2003) 3 SCC 272. Hence, According to him, the order passed by the MRT directing remand of matter of the surviving tenants could not have been passed by the MRT. Hence, the subsequent proceedings also stands vitiated.

23. The applicants in Civil Application No. 683 of 2023 are the purchasers of the NA plots in land Survey No. 243. According to them, they have constructed houses on the said plot and are residing in it. It is their contention that Review Application should be entertained by this Court since it has been filed by the petitioner pursuant to the liberty granted by the Hon'ble Supreme Court by order dated 07.09.2021. If any adverse order is passed in present Review Application, the applicants would be directly affected and therefore, they support the stand taken by the petitioner.

24. After hearing the respective counsels at length, and in view of the various orders passed by the Hon'ble Apex Court from time to time following issues arise for the consideration of this Court for deciding the Review Application :

- i. Whether the Review Application is filed within the period of limitation?
 - ii. Whether the petitioner has locus to file the present Review Application, in view of the subsequent orders passed by the Hon'ble Supreme Court?
 - iii. Whether the present Review Application is capable of being entertained?
- i. The Review Application has been filed by the petitioner under Order XLVII Rule 1 of CPC. The petitioner has filed Review pursuant to the liberty granted by the Hon'ble Supreme Court vide order dated 07.09.2021, in Special Leave Petition No. 15136 of 2020, granting period of 30 days to approach this Court. Upon such Review being filed, this Court is directed to consider the same on its own merits.

25. In so far as, the first issue regarding limitation is concerned the order passed by the Hon'ble Suprme Court in SLP No. 15136 of 2020 dated 07.09.2021, makes it abundantly clear and leaves no scope for deliberations that, this Court is required to decide the Review Application on its own merits. The issue of limitation for entertaining the Review is thus foreclosed by the Hon'ble Supreme

Court by the very order itself. In my sincere perception, there is no point in advertng to the issue of limitation, in the wake of the order passed by the Hon'ble Supreme Court. Since this Court has been directed to decide the Review on merits, I am afraid, merits surely does not include dismissal of Review on the ground of delay. Hence, I do not find any merits in the objection about 'delay' in filing Review Application raised by the respondents.

26. It is not disputed that the present petitioner is purchaser of the suit land from Abdul Hamid, who claimed his right through Mariambi. Mariambi had executed gift deed of the tenanted land, after receiving it from the tenants in a proceeding for recovery of possession for personal cultivation. In contravention of the condition for restoration of possession, Mariambi had executed gift deed (Hiba) in favour Abdul Hamid.

27. Abdul Hamid had no locus or any right file Regular Civil Suit No. 263 of 1972 for declaration and injunction against the respondent i.e. landlady Mariambi and other tenants. The suit was dismissed on 15.10.2005. Regular Civil Appeal No. 219 of 2005 was partly allowed, against which Second Appeal No. 442 of 2009 was filed by the respondent before this Court. This Court has dismissed the Second Appeal with observation that the claim of the tenant will be subject to final decision in Writ Petition No. 1980 of 1998, which was pending before this Court. Against the order in Second Appeal, the tenants i.e. legal representatives of Govind Sul and others have filed Special Leave Petition No. 17461 of 2011. The Hon'ble Apex Court has granted leave on 27.08.2019 and decided the Civil Appeal No. 6716 of 2019. While granting leave to appeal, the Hon'ble Apex Court has held thus;

"Leave granted.

Mariyambi was the original owner of the land in question. There were tenants under her who were tilling the land. She applied under Section 46 of the Hyderabad Tenancy and Agricultural Lands Act, 1959 for return of some land from the tenants on the ground that she wanted to personally cultivate the same. Her application was allowed and some land was ordered to be returned to her on the condition that she would cultivate it for 10 years. It is not in disputed before the period of 10 years had expire, Mariambi executed a gift in favour of her nephew, the plaintiff - Abdul Hamid in turn transferred the land to various persons.

Thereafter two sets of proceedings started; one under the Tenancy Act and the other a civil suit. In the civil proceedings, the subsequent transfers made by Abdul Hamid were held to be valid. However, in the tenancy proceedings which have attained finality, it was held that Mariyambi could not have transferred the land to Abdul Hamid within ten years of receiving the land back from the tenants. The land was ordered to be returned to the tenants.

In this view of the matter, the gift in favour of Abdul Hamid was not valid and Abdul Hamid had no right in the property and any transfer by him would be void

ab initio.

The special leave petition filed by Abdul Hamid and subsequent transferors in the tenancy matters have been dismissed on 09th May, 2019 and 2nd July, 2019 by this Court.

In this view of the matter, the civil appeal is allowed and the judgment of the High Court is set aside and the judgment and decree of the Trial Court is restored."

ii. So far as civil proceedings are concerned, the Hon'ble Apex Court has held that gift in favour of Abdul Hamid was not valid and he could not acquire any right in the property and any transfer made by him would be void ab initio. It is undisputed that the present petitioner is the purchaser from Abdul Hamid. Even the right of the petitioner to hold and possess the property becomes void in view of the declaration given by the Hon'ble Supreme Court vide order dated 27.08.2019. The petitioner would have no locus to seek review of the order passed by this Court.

28. The petitioner does not seem to have disclosed the order passed by the Hon'ble Supreme Court dated 27.08.2019 as reproduced herein above during the proceedings, granting liberty to the petitioner to file present Review Application. In spite of being aware about the orders passed by the Hon'ble Supreme Court, the petitioner has suppressed the fact of order passed in Special Leave Petition in favour of the tenant. In view of the declaration in respect of the right of Abdul Hamid, who is predecessor in title of the petitioner, the rights which were transferred in favour of the petitioner also stand extinguished. Hence, the petitioner does not have any locus to seek review of the orders passed by this Court.

iii. Though the Hon'ble Supreme Court has directed to consider and decide the Revision Application on its own merits. During the course of hearing objection as regards maintainability of Review was raised by the respondents. Therefore, while deciding the Review Application, it was necessary to decide the issue of locus of the Review Applicant.

29. Apart from the orders passed by the Hon'ble Supreme Court in tenancy proceedings as well as civil proceedings which have attained finality, there is one more order passed by the Hon'ble Supreme Court in Special Leave to Appeal No. 13155 of 2021, which also needs to be considered while deciding the present Review Application. The tenancy proceedings have attained finality in view of the dismissal of Writ Petition No. 1980 of 1998 vide order dated 13.08.2010 and also the dismissal of LPA No. 304 of 2010 with LPA No. 229 of 2011 vide order dated 04.02.2019, which was confirmed by the Hon'ble Supreme Court. In view of the finality of the orders in the tenancy proceedings, the legal representative of tenant Govind Sul and others moved an execution application before the Tahsildar, which came to be rejected vide order dated 09.03.2020. The order of rejection dated 09.03.2020, was subject matter of challenge in Writ Petition No.

4212 of 2020 before this Court which was allowed vide judgment and order dated 07.05.2021. The challenge to the order of rejection of application seeking execution, was allowed by this Court holding that, petitioner therein i.e. the tenant is entitled for possession of the tenancy land along with another tenant Mehtab Imamsab Khoriwale, with further direction to the Circle Officer to deliver possession of the tenancy land to the petitioners. This order passed in Writ Petition No. 4212 of 2020 was assailed before the Hon'ble Apex Court in Special Leave to Appeal No. 13155 of 2021. The SLP has been dismissed vide order dated 08.10.2021, however while dismissing the SLP the Hon'ble Supreme Court has made an observation that, all the concerned parties are joint tenants and that is the purport of all the orders passed from time to time. The revenue authorities were directed to carry out necessary mutations expeditiously. In view of the aforementioned order arising out of the execution proceedings which is confirmed by the Hon'ble Apex Court, I do not find any scope for entertaining the present Review Application. So far as the petitioner is concerned, his rights are already crystallized when the Hon'ble Apex Court has declared that, the transactions made by Abdul Hamid, who is the predecessor in title of the petitioner are void ab initio. The petitioner does not have any right to challenge the order passed by the MRT which is arising out of tenancy proceedings. Considering that, the right of Abdul Hamid has already been held to be void ab initio, the right of subsequent purchasers would also be governed by the orders passed by the Hon'ble Supreme Court.

30. Similarly, in view of the orders passed by the Hon'ble Supreme Court in the SLP filed in the execution proceedings directing the revenue authorities to carry out necessary mutation and declaring all the concerned parties and joint tenants, I do not find there is any merit in the present Review Application.

31. Considering the subsequent developments those have taken place after the final disposal of the Writ Petition on 13.08.2010, and also the orders passed by the Hon'ble Supreme Court vide order dated 27.08.2019 and 08.10.2021, the petitioner is not entitled to seek review of the orders. Hence, the Review Application is dismissed and the pending Civil Applications are accordingly disposed of.