

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**REVIEW APPLICATION NO. 31 OF 2015
IN
CIVIL APPLICATION NO. 5188 OF 2014
IN
SECOND APPEAL NO. 321 OF 1992**

The Commandant, S.R.P.F. Group III, Jalna.. Applicant

Versus

Amrut @ Amrutlal Laxman Bhurewale .. Respondent

Mrs.V.A. Shinde, A.G.P. for the applicant.

CORAM : A.V. NIRGUDE, J.

DATED : 31.07.2015

P.C. :-

1. This review application seeks review of judgment and order passed by this Court [Coram : R.G. Ketkar, J] dated 07.11.2014. My learned predecessor dismissed the appeal recording substantial questions of law and further recording his findings on such substantial questions of law. Learned A.G.P. is trying to suggest to me that the order suffered from the error apparent on record because my learned predecessor did not allow her client to produce new evidence in support of her client's case. My learned predecessor heard both the sides on the application moved under Order 41 Rule 27 of CPC and held that new evidence was not permissible. The appellant/

applicant had ample opportunity to produce this evidence at trial stage. He refused to fill up the gap, which was caused due to inadvertence of the party. After taking this view, my learned predecessor dismissed the application and then proceeded to dispose of the appeal.

2. As said above, my learned predecessor dismissed the appeal giving reasons. While utilizing jurisdiction under Order 47 of CPC, I am unable to appreciate submissions made at bar which are in the form of appeal against the order of my learned predecessor.

3. Therefore, the review cannot succeed. The Review Application stands dismissed.

[A.V. NIRGUDE, J.]