

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION NO. 182 OF 2011

IN

APPEAL FROM ORDER NO. 86 OF 2002

(Chandrashekhar Galayya Nallewar Vs. Galayya Rangayya
Nallewar, since deceased through L.R. Kailas Yatirajam
Nallewar)

Mr. Rajendra S. Deshmukh, Advocate for the petitioner
Mr. P.R. Katneshwarkar, Advocate for the respondent

CORAM : M.T. JOSHI, J.

DATE : 29/04/2015

ORAL ORDER :

1. Heard both sides.
2. Rule. Rule made returnable forthwith and heard finally with consent of learned counsel for both sides.
3. For the reasons stated in the petition, the delay caused in filing present review application is condoned.
4. The reading of the judgement as well as submissions from both sides would show that a clerical mistake has occurred in the judgement delivered on 25th November, 2010 in Appeal from Order No. 86 of 2002. As

this court has held the order of the remand of matter from the District Court to the trial court as inappropriate, the necessary consequences would have been to direct the District Court to re-hear the appeal afresh and the decree would not have remained intact. In the circumstances, the impugned order calls for interference and consequently is set aside to that extent.

5. The District Court is directed to re-hear the appeal bearing Regular Civil Appeal no. 145/1998 afresh without being influenced by the observations made by it earlier and to decide the appeal afresh. Both the parties are directed to appear before the District Court on 22nd June, 2015. Rule is made absolute accordingly.

. The present review application accordingly stands disposed of.

[M.T. JOSHI]
JUDGE