

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

**REVIEW APPLICATION NO. 144 OF 2015
IN
WRIT PETITION NO. 10342 OF 2014**

Balbhim Dhonidba Yadav

...APPLICANT

versus

Laxmikant Vithalrao Pandav and others

...RESPONDENTS

.....
Mr. S.L. Bhapkar, Advocate for Petitioner
Mr. G.K. Thigale (Naik) Advocate for respondents.
.....

CORAM : SUNIL P. DESHMUKH, J.

DATED : 16th OCTOBER, 2015

Order :-

1. Present application has been moved by original defendant purportedly to have review of order dated 03-09-2015 in writ petition no. 10342 of 2014, on the premise that before aforesaid order had been passed, affidavit of examination-in-chief had already been filed by the plaintiffs. What is germane is that, before the impugned order rejecting amendment sought by the petitioner, evidence had not commenced and affidavit of examination-in-chief had not been filed. The plaintiffs filing affidavit of examination-in-chief before the order in writ petition no. 10342 of 2014 had been passed is not a matter which is relevant and that hardly affects the unsustainability of the impugned order. Looking at this position, the ground which is being raised for having review of order in writ petition, is wholly unsustainable.

2. As such, review application stands rejected.

Sd/-

(SUNIL P. DESHMUKH, J.)