

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO.15 OF 2015
IN
SECOND APPEAL NO.201 OF 2002

(Shri Laxman Balu Jadhav Vs. Smt. Mahalingavva w/o Satlingappa Hukkeri and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.

Court's or Judge's orders.

Shri R.S. Apte, Senior Counsel, assisted by Shri V.S. Gokhale, Advocate for Appellant.

Shri Umesh Mankapure, Advocate for Respondent No.3.

CORAM: R.K. DESHPANDE, J.

DATE: 13th AUGUST, 2015.

During the course of the hearing of the review petition, it is found that in the judgment delivered by this Court on 25.06.2015 in Second Appeal No.201 of 2002, correction is required to be made in paragraph 7. The last word in the first sentence in paragraph 7 instead of 'defendant No.1' the correction should be 'Bharma'.

Shri Apte, learned Senior Counsel assisted by Shri Gokhale for the appellant, has tendered the additional grounds seeking review of the judgment delivered by this Court on 25.06.2015 in Second Appeal No.201 of 2002.

It is urged that the question of title of the original review applicant, who is original defendant No.1, was raised on the basis of the Will dated

01.09.1977. He has further urged that once it is held that the sale-deed dated 29.07.1983 executed by the respondent No.3 – Prakash in favour of his mother, the respondent No.1 – Smt. Mahalingavva, is hit by the provision of Section 43 of the Bombay Tenancy and Agricultural Lands Act, 1948 (for short 'said Act'), the plaintiff was not entitled to relief of permanent injunction.

The question of ownership of the applicant – defendant No.1, has been dealt with in paragraph 7 of the judgment. Similarly, the question as to sale-deed dated 29.07.1983 was hit by Section 43 of the said Act, has also been considered and adjudicated by this Court in paragraph Nos.5 and 6 of the judgment. The substantial questions of law which fell for consideration of this Court, have been dealt with in the judgment under review. To permit the appellant to raise additional substantial question of law, would amount to reopening of the case, which has already been decided. No case is made out for review, the same is dismissed.

The learned Senior Counsel, at this stage submits that the interim order passed by this Court during the pendency of the Second Appeal should be continued for a further period of eight weeks so as to enable the appellant to avail further remedies available in law.

The order was not continued when the Second Appeal was decided on 25.06.2015 and therefore, I do not find any reason to grant any such relief. The prayer is rejected.

JUDGE