

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.
Misc. Civil Application No. 1368 of 2014
in
Writ Petition No. 5904 of 2014 (D)
 (Shri Panjabrao Mahadevrao Lande and ors. Vs. Shri Maroti Sansthan
 Chincholi (Khurd), Daryapur, Distt. Amravati and anr.)

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

Court's or Judge's order

Shri D. T. Shinde, Advocate for the applicants
 Shri P. S. Patil, Advocate for the respondent no. 1
 Shri N. Rao, AGP for the respondent no. 2

CORAM : Prasanna B. Varale, J.

DATE : 11-12-2015.

Heard Shri Shinde, learned counsel for the applicants at length.

The submissions of the learned counsel in the present review were in the manner of seeking adjudication of the matter afresh on merits. It was the submission of the learned counsel Shri Shinde that the lower authority was not having the jurisdiction to deal with the issue and the competence of the authority was the ground raised in the writ petition. The submission of Shri Shinde is said ground, though raised by the petitioner, was not properly appreciated by this Court. Learned counsel has placed reliance on the following cases :

- (1) *Rameshwar s/o Ramaji Rewatkar and ors. Vs. Dilip s/o Tulsiram Rewatkar and ors.* reported in 2006(5) *Mh.L.J.* 292,
- (2) *Hasham Abbas Sayyad Vs. Usman Abbas Sayyad* reported in *AIR 2007 SC 1077* and

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(3) *Kashiram Shriram Doble Vs. Maharashtra Revenue Tribunal at Nagpur and anr.* reported in *AIR 1970 Bombay 366 (V. 57 C 62)*.

There cannot be any dispute that proposition of law which is reflected in the judgments referred by the learned counsel that if the party raises purely question of law based on the facts which are already on record and not disputed by the parties, merely because there was omission on the part of such party to raise such point of law at the original stage, will not be a justification to refuse such party to raise such point of law at the appellate stage. But in this case, the same cannot be the ground for consideration. In the present matter, it is not the case that this Court gave a negative finding on the competence of the authority. The order passed by this Court is clear and unambiguous as raised about the competence of the authority and then by dealing with the submissions of the learned counsel and on perusal of material placed on record, this Court arrived at the conclusion that the petitioner failed to substantiate the said ground.

It is well settled position of law that the scope of review is a limited one and the applicant has to show error apparent on the face of the record. The submissions on merits of the matter challenging the order of this Court cannot be a ground seeking review of the order passed by this Court. The

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application, seeking review with the grounds raised in the application, is untenable. The application, being meritless, deserves to be rejected and the same is rejected.

JUDGE

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