

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

923 CIVIL APPLICATION NO. 3884 OF 2004
IN SA/227/2003

MAHADU GUNDA GHANTE
VERSUS
VITHAL GUNDA GHANTE DIED LRS

...
Advocate for Applicant : P.P. Mandlik h/f. P V Mandlik, Sr. Counsel
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CORAM : T.V. NALAWADE, J.
DATED : 7th June, 2016.

ORDER :

1. The application is filed for review of the order made by this Court in Second Appeal No. 227/2003. The suit was filed for relief of partition and different defences were taken including defence of adoption. These defences are turned down and the decree of partition is given. The application is filed on the ground that relevant material ought to have been considered by this Court and the defence of adverse possession ought to have been considered and dealt with in detail by this Court. It is also contended that the case of non inclusion of one property in partition suit is not considered and due to this circumstance, the suit was bad for non inclusion of property in partition suit.

2. The submissions made by the learned counsel for

applicant and aforesaid contentions show that they are in respect of factual aspects. This Court has dismissed the appeal by holding that the findings are on question of facts. The defences are dealt with by this Court and the order is on merits. In view of these circumstances, this Court holds that it is not possible to review the aforesaid order. In the result, the application stands rejected.

[T.V. NALAWADE, J.]

ssc/