

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

**922 CIVIL APPLICATION NO. 6789 OF 2005
IN
SECOND APPEAL NO. 477 OF 2001**

ANUSAYABAI BHIMRAO DESHMUKH

VERSUS

SURESHCHANDRA GOVARDHAN SOMANI

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Mr. S.S.Choudhari, Advocate for applicant.

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CORAM : T.V.NALAWADE, J.

DATE : 8th JUNE, 2016

ORAL ORDER :-

. The application is filed for review of the order made by this Court in S.A. No. 447 of 2001. Second appeal is filed by the applicant to challenge the decision of the trial Court and first appellate Court, by which decree of specific performance of contract was granted in favour of the respondent. The Appeal is dismissed by this Court.

2. Heard learned counsel for the applicant.

3. Learned counsel submitted that the main point which ought to have been considered by this Court is the bar

of provisions of Prevention of Fragmentation and Consolidation of Holdings Act, 1947 to such transaction. The order made by this Court shows that this point was argued when this Court made order of dismissal. This court held that the point of bar of aforesaid provision was not raised before the first appellate Court and the trial court and this contention ought to have been raised in the trial Court and the defence ought to have been established in the trial Court. This Court held that no substantial question of law as such is involved. Thus, the point raised in the present matter is considered by this Court while dismissing the Second Appeal. In view of these circumstances, it is not possible to review the said decision.

4. In the result, Review Application stands rejected.

[T.V.NALAWADE, J.]