IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

47 CIVIL APPLICATION NO. 11707 OF 2003
IN
SA/28/2000

KISANRAO DEVRAO SALVE

VERSUS

BHAUSAHEB BHAGAJI SALVE & ORS

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Mr. D.R.Shelke, Advocate for Applicant.
Mrs. M.A.Kulkarni, Advocate for R – 1 to 4.

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CORAM : T.V.NALAWADE, J.
DATE : 13th JUNE, 2016

ORAL ORDER :-

. The application is filed for review of the Order made by this Court on 21/10/2002 in Second Appeal No. 28 of 2000. Heard learned counsel for the applicant.

2. It is the case of the plaintiff that this Court has not considered given material and so the review of the aforesaid order is necessary. Learned counsel for the applicant submitted that the plaintiff had filed Suit for declaration and injunction, he had relied on the map in R.C.S. No. 123/1977 and the courts below ought to have

considered and accepted that evidence and that would have changed the decision of the matter.

3. It appears that the Courts below appreciated the evidence and relied on other evidence to decide that the plaintiff is not entitled to the relief of declaration. This Court has made the order of dismissal by observing that the appellant was asking this Court to re-appreciate the evidence. The finding given by the Courts below is on question of fact and it was not possible to re-appreciate the evidence. This Court dismissed the Second Appeal.

4. In view of the aforesaid circumstances, this Court holds that Review Application is not tenable.

5. Review Application stands rejected.

[T.V.NALAWADE, J.]

KNP/R.A. 11707.2003 in S.A. 28.2000.odt