

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

922 CIVIL APPLICATION NO. 142 OF 2004
IN SA/497/1998 WITH CA/11696/2003 IN SA/497/1998

BHAGWAN TUKARAM DESHMUKH & ORS
VERSUS
PUNDLIK BABANRAO DESHMUKH

...
Advocate for Applicants : S S Choudhari

...
CORAM : T.V. NALAWADE, J.
DATED : 7th June, 2016.

ORDER :

1. Heard the learned counsel for applicants. The application is filed for review of the order made by this Court in Second Appeal No. 497/1998. By the order dated 23.9.2002 the aforesaid Second Appeal is dismissed by this Court on the grounds that no substantial question of law as such is involved in the appeal and the appeal is devoid of merits.

2. The learned counsel for applicants submitted that no notice of measurement taken by the Cadestral Surveyor was given to the present applicants and so, the measurement is not binding on the applicants. He submitted that the measurement does not reflect the correct picture and description of the property and so, these points ought to have been considered on merits by this Court.

3. This Court has carefully gone through the order made by this Court on 23.9.2002. The point of absence of notice of measurement was not raised. However, it was submitted that the measurement cannot reflect the correct picture and description of the property. This submission is considered by this Court. Thus, the decision is given on the basis of submissions made for the appellants. The submissions made before the First Appellate Court were also considered and the finding given by the First Appellate Court is considered by this Court. The fact that there are concurrent findings is also considered by this Court and so, it can be said that on merits the aforesaid order is made by this Court. In view of these circumstances, it cannot be said that review is possible of the order dated 23.9.2002. So, the review application is rejected. Other civil Application is also disposed of.

[T.V. NALAWADE, J.]

ssc/