

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION STAMP NO. 24042 OF 2013
IN
SECOND APPEAL NO. 189 OF 2013

Mohan Sahebrao Pawar

APPLICANT

VERSUS

Tukaram Bapu Khaire and others

RESPONDENTS

Smt. Madhaveshwari S. Mhase, Advocate for the applicant
Mr. Shirsath, Advocate holding for Mr. K.S. Bhole,
Advocate for respondent No. 1

CORAM : M.T. JOSHI, J.

DATE : 05/04/2016

ORAL ORDER :

1. Heard Both sides.
2. By this application, the applicant seeks review of the order dated 12th April, 2013, passed by this Court in Second Appeal no. 189/2013. By the said order, the second appeal was rejected.
3. Perusal of the record would reveal that the only contention raised in the present review application

is that the courts failed to consider that the main issue between the parties was whether the transaction was a mortgage or an out and out sale and no issue to the said effect is framed by the courts, including this court. It was further submitted that the suit ought to have been for redemption.

4. The respondents/plaintiffs had filed suit i.e. Regular Civil Suit No. 64/1997 for the relief of reconveyance of the suit property on the ground that the suit property was sold to the present review petitioner and it was recited in the said sale-deed that within a period of two years, the property would be reconveyed upon payment of the secured amount. However, despite persuasion and despite payment of the said amount to the present applicant, the reconveyance did not take place and suit for relief of reconveyance of the property was filed.

5. The reading of the written statement and the grounds raised in the appeal before this Court would show that no specific ground was taken that it was case of transaction of a mortgage and therefore the suit ought to have been for redemption. In the circumstances,

I do not find any error apparent on the face of record in the order sought to be reviewed. The review application is, therefore, dismissed.

[M.T. JOSHI]
JUDGE

npj/rast24042-2013