

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 11212 OF 2015
AND
REVIEW APPLICATION (ST) NO. 24819 OF 2015

PRAKASH PANDURANG PALODKAR
VERSUS
SUBHADRA BALAJI KADAM AND OTHERS

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Advocate for Applicant : Shri B.B.Dahiphale h/f Shri N.P. Patil Jamalpurkar

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CORAM : RAVINDRA V. GHUGE, J.
Dated: April 22, 2016

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PER COURT :-

1. I have heard the learned Advocate for the applicant / petitioner on the application of condonation of delay as well as on the review petition.
2. For the reasons set out in the application the same is allowed and delay of 153 days is condoned.
3. The Review Applicant contends that the order passed by the trial Court on application Exhibit 37, whereby, exhibiting a map was sought to be recalled by application Exhibit 68. By order dated 15.1.2015, Exhibit 68 has been rejected.
4. Learned Advocate for the applicant submits that the map was prepared by a Talathi and it was not a public document. Talathi does not have the authority to prepare a map. Since the trial Court has granted an exhibit number to the said map, the applicant had moved the Court for recalling its order.
5. Submission is that this Court has committed an error in passing the order dated 23.2.2015, by which, Writ Petition No.1554 of 2015, challenging the order of the trial Court dated 18.11.2014 rejecting application Exhibit 68, was dismissed. It is further submitted that this Court has erroneously rejected the petition.

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6. I have considered the submissions of the Review Applicant. The Writ Petition is virtually re-argued. Error committed by this Court on fact or law is not pointed out.

7. This Court had considered the contention of the Review Applicant in the light of the fact that after the trial Court had exhibited the map in 2012, application Exhibit 68 was filed on 18.11.2014. On an identical set of facts in the light of Order VIII Rule 3 of the CPC, this Court had decided the matter in between M/s Conwood Agencies Pvt. Ltd. Vs. Namdeo Pandurang Panchal [2005 (1) ALL MR 335]. This Court has also considered a similar view taken by this Court in its order dated 11.2.2015, passed in Writ Petition No.848 of 2015 (Rajiv Laxminarayan Jaju Vs. Gopal Motilal Baheti).

8. It is trite law that an objection to the admissibility of a document is to be decided by the Court before such a document is exhibited. In the instant case, the map was exhibited in 2012 and the application for recalling the order was filed on 18.11.2014.

9. I, therefore, do not find that the review applicant has pointed out any error in the order under review. The Review Petition is devoid of merits and is, therefore, rejected.

(RAVINDRA V. GHUGE, J.)

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