

FARAD CONTINUATION SHEET No.IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

REVIEW APPLICATION (STAMP) NO.30558 OF 2014
in
Second Appeal No.97 of 2007

Panditrao S/o Trimbakrao Jogdand through
his L.Rs. Anusayabai Panditrao Jogdand and
others

VERSUS

The Assistant Labour Commissioner, Lalit
Kala Bhavan, Osmanpura, Aurangabad, Dist.
Aurangabad and others

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders CORAM : A.V. NIRGUDE, J. DATED : 02.05.2016
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Mr. Alok M. Sharma, Advocate for the
applicants

Mr. A.B. Gathe, Advocate for respondent
No.1

Mr. V.M. Kagane, AGP for the
respondent/State

1. Heard submissions on Review
Application.

2. The judgment dated 23.09.2014
was mostly based on facts. The findings
recorded by the lower Appellate Court
were confirmed.

3. The applicant was trying to prove the title of the suit piece of land through documents vide Exh.170. He also depended on document at Exh.177 and description of the suit plot appearing in old documents, wherein there is mention of existence of old well. All these aspects were taken into account, and after discussing all these circumstances of facts, the case of the applicant stood rejected.

4. The submissions at bar today do not indicate any error on record, and for that matter, any other ground requiring review of the impugned order.

5. Learned counsel for the applicant raised three points. He said that the document at Exh.170 indicated a genuine transaction. I have already dealt with this document alongwith other earlier in my judgment. There is nothing new in submissions on this point today. Learned counsel for the applicant also placed reliance on

document at Exh.177 to prove a title, but I have already dealt with this document earlier in my judgment. No new point is raised. He then pointed out that the respondent raised an objection for the first time in this Court that the applicant did not identify the suit plot. He said such objection cannot be taken at the stage of Second Appeal. This objection was pertinent because the applicant was trying to prove his title and such objection was pertinent since beginning. At any stage of the hearing such objection was possible. Besides, this objection was a question of fact. The third submission of learned counsel for the applicant is based on fact that there is mention of well in the old documents. The plot of land, which the applicant claimed by filing this suit, is adjacent to a well. This point was also considered in my earlier judgment and therefore does not require for further discussion.

4. The Review Application stands dismissed accordingly.

[A . V . N I R G U D E , J .]