

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO.9 OF 2016
IN
SECOND APPEAL NO.222 OF 2011

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Shridhar A. Patil for the petitioner

Mr.Mahesh Rawool i/b Mr.PB.Shah for the respondent

CORAM : K. K. TATED, J.

DATE : MARCH 17, 2016

P.C.:

- 1 Heard the learned counsel for the parties.
- 2 Review Petition is filed by the original plaintiff for reviewing the order dated 27.10.2014 passed by this court in Second Appeal No.222 of 2011 by which this court admitted Second Appeal and framed substantial questions of law.
- 3 The learned counsel for the Review Petitioner submits that the partition took place in respect of the suit property i.e. Gat No.3085 long back and respective parties are in possession of the same. Hence, there is no question of framing the questions of law in respect of tenanted land.

Hence, Review Petition be allowed and order dated 27.10.2014 be recalled.

4 It is to be noted that in the present proceeding, the defendant disputed the fact about partition. It was the case of the defendant that the tenanted property bearing Gat no.3085 was exclusively belonging to their father Shamrao. Hence, there was no question of any partition.

5 Considering these facts, I do not find any substance in the present Review Petition. Whether the tenanted property was exclusively of Shamrao or not, that will be decided at the time of final hearing. Hence, Review Petition stands rejected.

JUDGE