

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

REVIEW PETITION NO.22 OF 2016

IN

WRIT PETITION NO.7533 OF 2014

Shri. Shankar Lingoji Patil

.. Petitioner

Versus

Shri. Bhauso Shankar Padekar

.. Respondent

Mr. S. S. Tambekar, for the Petitioner.

Ms. Anusha Amin i/by Mr. S. D. Patil, for the Respondent.

CORAM : R.M. SAVANT, J.

DATE : 24th FEBRUARY 2016

PC.

1. The review of the order dated 03.09.2015 passed by this Court in the above Writ Petition is sought. By the said order, the Writ Petition came to be dismissed and resultantly, the order passed by the Lower Appellate Court granting injunction to the Plaintiff came to be confirmed. The review is sought on the ground that one of the documents which was there before the Trial Court and which is listed at Item No.6 in the list of documents filed by the Plaintiffs was not before the Lower Appellate Court when it adjudicated upon the Appeal filed against the refusal of injunction by the Trial Court. The Lower Appellate Court has on

the basis of the material on record which included the two Kabjepattis' one relied upon by the Plaintiff and the other relied upon by the Defendant that they are in possession, held that it is the Plaintiff who is in possession of the suit premises and that the facts involved would require detailed investigation at the time of trial. In my view, therefore, no case for review in any of the eventualities mentioned in Order 47 of the CPC is made out. The Review Petition is accordingly dismissed.

[R.M. SAVANT, J]