

Sequeira

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

CIVIL APPLICATION NO. 300 OF 2014

In

SECOND APPEAL NO. 860 OF 2012

Along with

CIVIL APPLICATION NO.67 OF 2014

in

REVIEW PETITION (St.) NO. 9577 OF 2014

Mr.Ramchandra Shankar Kumbhar & anr. ... Applicants
/Appellants
/ Petitioners

V/s.

Mr.Vishnu Mahadeo Kumbhar & anr. ... Respondents.

Mr.J.S.Kapre, for Applicants in both C.A and Petitioners in Review
Petition.

None for Respondents.

***CORAM : N.M.Jamdar, J.
Friday, 22 July 2016.***

P.C. :-

The Civil Applications have been filed for bringing the heirs of Appellants on record. Considering the facts and circumstances, the Civil Application No.300 of 2014 is allowed in terms of prayer clause (a) of the Application.

2. On the last occasion when these Applications came on board, the learned counsel for the Applicants sought time to prepare on the

merits of the Review Petition, in case the Review petition is taken up immediately for consideration.

3. Taking up the Civil Application No.67 of 2014 for consideration, delay in filing the Review Application stands condoned and the Review Petition is taken up for consideration on merits.

4. The Applicants seek review of the order passed by learned Single Judge Smt.Vasanti A. Naik, J., on 20 January 2014. The learned Single Judge came to the conclusion that the first appellate Court, on proper appreciation of the material evidence on record reversed the findings of the trial Court. The learned Single Judge held that there was no admission by the Defendants in the cross-examination that the Plaintiff was the owner and the trial Court has erroneously held to be so. The learned counsel for the Applicants submitted that certain documentary evidence which was on record was not considered in proper perspective by the learned Single Judge. This cannot be a ground of review. The scope of review is limited. Under the garb of review, rehearing of appeal is not permitted. As regards the contention regarding heirs of the Appellants, by allowing the Application filed his heirs have been brought on record. I have not found any ground to interfere to take a different view than the view taken by the learned Single Judge. Review Petition is accordingly rejected.

(N.M.Jamdar, J.)