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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**REVIEW PETITION NO.36 OF 2016 IN
APPEAL NO.1021 OF 2010 IN
SUIT NO.2715 OF 2004**

Bhargav Dilip Dholi

... Petitioner

Versus

Smt. Chandrabala P. Dholi & Ors.

... Respondents

Mr. A.P. Rege for the Petitioner.

Mr. Nitin Thakkar, Senior Counsel a/w Mr.Z.A. Jariwala i/by M/s.
Thakore Jariwala & Associates for the Respondent No.1.

**CORAM : A.S. OKA &
A.A. SAYED, JJ.**

DATE : 5th OCTOBER, 2016

PC.

1 Heard the learned counsel appearing for the Petitioner. The Petitioner is seeking a review of the Judgment and Order dated 16/17th June, 2016 by which Appeal No.1021 of 2010 has been finally disposed of. The Petitioner is relying upon three documents in support of the Review Petition which were not allegedly available with the Appellant when the Appeal was heard. We may note here that the Appeal of the year 2010 was against the Judgment and Decree dated 30th June, 2010 passed by the learned Single Judge in a suit of the year 2004. There is no explanation as to why these documents could not be produced from the year 2010.

2 It appears from the Review Petition that an application was made by Smt. Jayashree Dholi (who is not the Review Petitioner) to the Mamlatdar on 27th June, 2016 for seeking full particulars of Entry No.66 – 152 regarding Dholi (Joshi) Velji Giga of village Bara. The first document on which reliance is placed by the counsel for the Petitioner is a reply dated 14th July, 2016 addressed by the Mamlatdar of Abdasa to said Jayashree Dholi. In the reply, the Tahsildar has specifically recorded that as the record relating to mortgage rights is very old record, it is not possible to make the same available. It is, thus, obvious that the contents of the said letter are not based on record. The second document on which the Petitioner is relying is certificate dated 27th June, 2016 issued by the Talathi-cum -Mantri of Shri Bara Group Gram Panchayat, Abdasa. The certificate records that in the year 1958, Dholi Joshi Velji Giga had given the Mortgage rights of the land to Bhanushali Samji Umarshi by executing a personal document. The next sentence of the certificate is that the record pertaining to the same is not available in Panchayat Office. Therefore, what is stated in the certificate is not based on perusal of the record or the personal knowledge of the Talathi. Thirdly, the submission is made based on Village Form No.6 by contending that Dholi Joshi Velji had a right under mortgage and mortgagor was Samji Umarshi Bhanushali. The submissions based on

mortgage have been already dealt with in the final Judgment and Order of which review is sought. Hence, no case is made out for review. There is no error apparent on the face of the record and even otherwise, there is no ground for review. Review Petition is rejected.

3 At this stage, the learned counsel appearing for the Petitioner seeks continuation of ad-interim relief granted on 1st September, 2016. Ad-interim relief is extended by a period of eight weeks from today. No further extension shall be granted.

(A.A. SAYED, J)

(A.S. OKA, J)