

**IN THE COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR**  
**MISCELLANEOUS CIVIL APPLICATION NO. 905/2015**  
**IN**  
**SECOND APPEAL NO. 427 /2002 (DECIDED )**  
**(Narendra s/o Vyankatesh Tambat vs. Pravinkumar Khushalchand Tated )**

.....  
Office Notes, Office Memoranda of  
Coram, appearances, Court's orders  
of directions and Registrar's orders  
.....

Court's or Judge's order

.....  
Mr. Abhay Bhide, Adv.for applicant/appellant  
Mr. M.P. Khajanchi, Advocate for respondent.

**CORAM: A.B.CHAUDHARI, J.**  
**DATED : 8<sup>th</sup> March, 2016.**

Heard learned counsel for the rival parties, at length. Seen the R & P

Shri Abhay Bhide, learned counsel for the review-applicant raised few points, in support of the Review Application. He submitted that in the light of Section 112 of the Transfer of Property Act, the notice of forfeiture under section 111-G stood extinguished because, the respondent accepted the rent after the forfeiture claimed by respondent and, therefore, the suit was legally untenable. Mr.Bhide, thus, submitted that there was an error apparent on the face of the record committed by this Court and, therefore, the review requires consideration. Mr Bhide, then, contended that the finding as to estoppel u/s. 116 of the Evidence Act by this Court is factually on wrong foundation, namely, this Court has held that the review applicant was injunctioned as a tenant by the respondent himself when he was actually injunctioned by the predecessor-in-title of the respondent i.e. Banobi, from whom the respondent purchased the suit property.

In my opinion, that could have mostly said to have the reason, but for which the remedy of review is not available. In that view of the matter. I think the Application for review cannot be entertained and the Appeal that was already decided by this Court cannot be reopened. In view of the above, I make the following order :

**ORDER**

Misc. Civil Application No.905/2015 for review, is rejected.

**JUDGE**

*sahare*