

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**REVIEW APPLICATION NO. 105 OF 2017
IN
WRIT PETITION NO. 7474 OF 2016**

Rupesh Ramesh Biradar and Others ..APPLICANTS

VERSUS

Ramesh Subhanrao Biradar and Others ..RESPONDENTS

....
Mr. T.M. Venjane, Advocate for applicants.

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**CORAM : M.S. SANKLECHA, J.
DATED : 17th APRIL, 2017**

ORDER :

1. This application seeks to review the order dated 17th January, 2017 passed by this Court dismissing the petition with costs filed by the present applicant.

2. Mr. Venjane, learned Counsel for the applicants orally submits that the petitioners seeks to review the order dated 17th January, 2017 on the following two grounds:-

(a) The order dated 17th January, 2017 has not considered the submission of the petitioner that power of the Civil Court to frame

additional issues had already been exercised and such power could not be again exercised by the Trial Court; and

(b) The order dated 17th January, 2017 has not considered the earlier decision of this Court which would conclude the issue in petitioner's favour before the Trial Court.

3. So far as first submission is concerned, same is not supported by any statement in the petition that oral submission made in the above regard was not considered by the Court. In fact the order dated 17th January, 2017 records the fact that it is not the case of the petitioners that any prejudice was caused to it by framing of additional issues. Therefore there is no reason to accept the submissions made were not considered by the Court, as in such a case, the application as filed would have indicated the same.

4. So far as second submission is concerned, the order dated 17th January, 2017 has considered this very submission and found no merit in the same.

5. The scope of power of review is very limited and does not permit examination of the decision. The order dated 17th January, 2017 has been passed on the basis of submissions made before it and an incorrect decision on

merits would not make the order amenable to review jurisdiction. In the above view, no occasion to entertain the present review application arises.

6. Accordingly, review application is dismissed.

(M.S. SANKLECHA, J.)

SSD