

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

**REVIEW APPLICATION STAMP NO.5999 OF 2012
IN SECOND APPEAL NO.686 OF 2010**

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MANIKRAO SAMPAT JADHAV AND ORS.

VERSUS

MARUTI MANDIR, PHULAMBRI THR. ITS
ADMINISTRATOR

...

Advocate for Applicants : Mr.N.D.Sonavane
Advocate for respondent : Mr.N.T.Tribhuwan,
Advocate holding for Mr.K.U. & P.U.Nikam.

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CORAM : S.S.SHINDE,J.

DATE : 08.12.2017

ORDER:

1] Learned counsel appearing for the Review Applicants submits that, there was no opportunity to the applicants to file written statement before the trial Court. The trial Court proceeded without written statement of the applicants on record. The Courts did not consider the evidence brought on record by the applicants. He further submits that, though the Appellate Court had considered the contention of the applicants that, the written statement was not on record

nevertheless without properly appreciating the evidence on record, dismissed the Appeal. It is submitted that, though the specific ground was raised in the Second Appeal that the matter may be remitted back to the trial Court for re-consideration, and the appellant be given an opportunity to file written statement; the Second Appeal was dismissed on the ground that, same does not raise any substantial question of law.

2] On the other hand, learned counsel appearing for the respondent submits that, both the Courts below have recorded the concurrent findings of facts against the appellant. The permission of the Assistant Charity Commissioner for filing the suit was not necessary, since the trust itself was not registered prior to 1990. He submits that, there are concurrent findings of facts recorded by both the Courts coupled with the dismissal of the Second Appeal, and there is

no any material brought on record so as to review the order under review.

3] Upon hearing the learned counsel appearing for the review applicants and learned counsel appearing for the respondent. Upon perusal of the grounds raised in the Review Application, *prima facie*, I am of the opinion that, none of the grounds gives rise to review the order under review. There is no error apparent on the face of record so as to review the order. Hence the Review Application stands rejected.

[S.S.SHINDE]
JUDGE