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

**CIVIL APPLICATION NO.15075 OF 2017
IN/WITH
RAST NO.37822 OF 2017
IN
FIRST APPEAL NO.885 OF 2016**

Mahabubi Rasul Shaikh & anr. ..APPLICANTS

VERSUS

Jainuddin s/o Mahatab Jamdar & ors. ..RESPONDENTS

Mr K.C. Sant, Advocate holding for Mr P.P. Mandlik, Advocate for applicants;

Mr S.P. Danve, Advocate for respondent no.1;

Mr Y.G. Gujrathi , A.G.P. for respondent no.2

**CORAM : PRASANNA B. VARALE
AND
SUNIL K. KOTWAL, JJ.**

DATE : 19th December, 2017

ORAL ORDER:

Heard Mr Sant, the learned Counsel appearing for the applicants at length.

2. This is an application seeking review of the order passed by this Court dated 11th October, 2017 on Civil Application in First Appeal No.885 of 2016. Mr Sant, the learned Counsel submits that there is some delay caused in filing the application. The delay caused in filing the application is purely unintentional and for bona fide reasons. He prays condonation of delay caused in filing the application. For the reasons submitted by the learned Counsel, the delay caused in filing the review application is condoned. Civil Application No.15075 of 2017 stands allowed.

(2)

3. So far as the Application (St.) No.37822 of 2017, seeking review of the order of this Court dated 11th October, 2017 is concerned, Mr Sant vehemently submitted that the order is unsustainable, for the reason that in paragraph 3 this Court stated that the applicants are neither necessary parties nor proper parties to the proceedings. Further, this Court permitted the applicants to apply to the Honourable the Apex Court. Mr Sant submitted that certain facts which were on record, were not considered. The submission of the learned Counsel is leading us to re-appreciate merits of the matter. It is the settled position of law that the jurisdiction of this Court in review is limited one. This Court cannot undertake the exercise of re-appreciation or re-assessment of the merits of the matter. It is not the case where the applicants are before us submitting that there is an error apparent on the face of record, but the attempt of the applicants is seeking a fresh order of this Court on assessment of the material. We are afraid that in the review jurisdiction we cannot undertake this exercise. The application, thus, wholly meritless deserves to be dismissed and same is accordingly dismissed.

(SUNIL K. KOTWAL, J.)**(PRASANNA B. VARALE, J.)**

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