

Rane (sr.145)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CA in Oth.(MCA/TXA/CA/FERA) NO. 72 OF 2015

IN

Review Petn. in SA (ST) NO. 20959 OF 2014

Shakuntala Bhagwandas Bhansali

...Applicant/
Petitioner.

Versus

State Of Maharashtra

...Respondent(s)

Mr. A.M. Kulkarni, Advocate for the Applicant and for petitioner in RP
(St) No. 20959 of 2014.

None for the Respondents.

CORAM: N.M. JAMDAR, J

DATED: 21st April, 2017

PC:-

This Civil Application is taken out for condonation of delay in filing the Review Petition. The Review Petition is filed seeking to review the order passed on 1 March, 2013 by the learned Single Judge (R.Y. Ganoo, J.).

2 At the stage of application for condonation of delay, I have gone into the reason why review is sought as well and the Learned Counsel for the petitioner has also argued the matter.

3 The learned Counsel for the Applicant, Petitioner submitted that the learned Single Judge has committed an error while recording a finding as regards registration of the family arrangement. He submitted that this issue was not relevant for decision of the Second Appeal and the Courts had infact recorded a finding that the document could be read in evidence.

4 This submission is not correct. The learned Single Judge has given reasons as to why the particular argument made before the learned Single Judge, was to be negatived. The argument was that the Courts have rejected the stand of the applicants on the ground that document of family arrangement requires registration. From the perusal of the order under review, it is clear that this was the sole contention advanced. The learned Judge dealt with this contention and held that whether a family arrangement requires registration would depend on the nature of the document.

4 The contention that such argument ought not to be made cannot be the basis for exercising review jurisdiction, particularly when it relates to what was argued before some other learned Judge.

5 In the circumstances, no fruitful purpose would be served by condoning the delay. The Civil Application, as well as, the Review Petition are both accordingly disposed off.

(N.M. JAMDAR,J.)