

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

MISC. CIVIL APPLICATION (REVIEW) NO.730/2017
IN
CIVIL REVISION APPLICATION NO.70/2014 (D)

Abu Zar Rehman Khan Mobinuddin Khan

...Versus...

Prakashchandra Shriram Gotmare and another

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

Court's or Judge's orders

Mrs. S.W. Deshpande, Advocate for respondent no.1/applicant

CORAM : ARUN D. UPADHYE, J.
DATE : 19.12.2017

1. The present review application is filed by the respondent no.1/applicant praying to review the judgment dated 12/6/2017 in Civil Revision Application No.70/2014 and restore the civil revision application for fresh consideration, in accordance with law.

2. Heard the learned Counsel for the respondent no.1/applicant at length. None appears for the non-applicant, though served. The learned Counsel for the applicant has vehemently submitted that issue no.1 framed in Regular Civil Suit No.35/1985 was answered in the negative and it is held that the agreement dated 8/5/1973 (Exh.25) cannot be treated as illegal or invalid, however, this Court has not considered the same in proper perspective. She further submitted that it is necessary to consider that time spent by the original plaintiff would fall within the four corners of the provisions of Section 14 of the Limitation

Act, but the same is also not considered by this Court and allowed the civil revision application holding that Regular Civil Suit No.17/2012 filed by applicant/respondent no.1 is barred by limitation. She, therefore, prayed to allow the review application.

3. Considering the submissions of the learned Counsel for the applicant/respondent no.1, I am of the view that the grounds, on which the review is sought, cannot be considered. The present misc. civil application (review) is liable to be rejected and the same is accordingly rejected. No costs.

JUDGE

Wadkar