

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

Misc. Civil Application No.869 of 2015

In

Misc. Civil Application (Review) No.499 of 2011

In

Second Appeal No.156 of 2009 (D)

(Vithoba s/o Paiku Nahale (Dead), through LRs. Smt. Saitrabai Vithoba Nahale and others v. Waktu s/o Paiku Nahale (Dead), through LRs. Shyamrao s/o Waktu Nahale and others)

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

Shri G.G. Bade, Advocate for Applicants/Appellants.

Coram : R.K. Deshpande, J.

Date : 6th February, 2017

Misc. Civil Application No.869 of 2015 :

For the reasons stated in the application, the application is allowed.

Misc. Civil Application Stamp No.12875 of 2011 is restored.

Misc. Civil Application No.869 of 2015 is disposed of.

Misc. Civil Application Stamp No.12875 of 2011 :

There is a delay of 1 year, 7 months and 5 days caused in filing an application for review of the order dated 20-4-2009

passed by this Court in Second Appeal No.156 of 2009.

Shri Bade, the learned counsel appearing for the applicants/appellants, does not raise any dispute in respect of what has been held by this Court in the order passed on 20-4-2009, but he submits that certain other points were involved in the matter, which were not argued by the earlier counsel. Hence, he seeks permission to argue those points.

Perusal of the order passed by this Court shows that the only point, which was raised before this Court, has been dealt with and it is held that no substantial question of law arises for consideration of this Court. It is not possible to permit raising additional points by filing a review application, which were not urged before this Court at the time of decision of the second appeal.

The review application is, therefore, dismissed. The application for condonation of delay in filing review application does not survive and the same is also dismissed.

Judge.