

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

Misc. Civil Application (Review) No.1121 of 2015

In

Second Appeal No.398 of 2014 (D)

(Sahebrao Pundlikrao Vidhale and others v. Harishkumar Hanumandas
Malpani)

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

Shri V.A. Kothale, Advocate for Applicants/Appellants.
Shri Bhushan N. Mohta, Advocate for Respondent.

Coram : R.K. Deshpande, J.

Date : 2nd May, 2017

Shri Kothale, the learned counsel for the applicants/review petitioners, has invited my attention to Exhibit 54 and agreement to sell and submits that it is signed only by the defendant No.1. He further submits that the power of attorney was not placed on record to establish that the other defendants had authorized the defendant No.1 to execute the agreement. He has relied upon of decisions of this Court as well as of the Apex Court – (i) *Kashinath Rajaram Kasabe and others v. Ramchandra Tukaram Kasabe (deceased) as per L.Rs. and others*, reported in 2015(1) Mh.L.J. 748; and (ii) *Pemmada Prabhakar and others v. Youngmen's Vysya Association and others*, reported in (2015) 5 SCC 355.

While dismissing the second appeal on 2-9-2015, this Court has dealt with all the aspects of the matter, and hence to permit the applicants/appellants to raise the same grounds again, would amount to re-opening of the decision without there being any ground under Order XLVII, Rule 1 of the Code of Civil Procedure.

The Misc. Civil Application for review is dismissed.

At this stage, the learned counsel for the applicants/appellants prays that the stay to the possession granted by this Court be continued for a further period of six weeks. The prayer is opposed by the learned counsel for the respondent.

In view of the fact that the second appeal was dismissed long back and the applicants/appellants had sufficient time to approach the Apex Court, I do not find any reason to continue the interim order passed by this Court.

Hence, the prayer is rejected.

Judge.