

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

MISC. CIVIL APPLICATION NO.1313/2017
IN
CIVIL REVISION APPLICATION NO.138/2013 (D)

Shri Vijay s/o Bhimrao Sakharkar
...Versus...
Sau. Laxmibai Bhimrao Sakharkar
Shri Rajaram Sarjuprasad Pal (D)
Shri Rajkumar Gajanan Fulbande (D)

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

Court's or Judge's orders

Shri Abhishek Pathak, Adv. h/f Shri S.V. Sirpurkar, Adv. for applicant
None for the respondent

CORAM : ARUN D. UPADHYE, J.
DATE : 08.12.2017

1. By this application, the applicant has prayed to review the order dated 7/7/2015 passed by this Court in Civil Revision Application No.138/2015, dismissing the said civil revision application.
2. I have heard Shri Pathak, the learned Counsel holding for Shri Sirpurkar, the learned Counsel for the applicant. He submitted that while deciding the civil revision application, this Court has not considered the legal provision that Section 91 (b) of the Maharashtra Cooperative Societies Act is attracted in the matter and the civil Court has no jurisdiction to decide the suit.

3. I have gone through the judgment and order of this Court dated 7/7/2015 in Civil Revision Application No.138/2013. It appears that the said submission was considered by this Court and the same was turned down holding that the civil Court has jurisdiction to entertain the suit and the provision of Section 91 (1) (b) of the Maharashtra Cooperative Societies Act are not attracted.

4. No grounds are raised to show that the order of which review is sought, is passed on account of the said mistake. No error is apparent on the face of record. Whatever the grounds are mentioned are regarding appreciation of the material on record and that is not permitted under Order 47 Rule 1 of the Code of Civil Procedure.

5. The misc. civil application (review) is devoid of any merit and is liable to be rejected and accordingly, the same is rejected. No costs.

JUDGE

Wadkar