

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 5737 OF 2013
IN
LETTERS PATENT APPEAL NO. 41 OF 2013

Chandar s/o Mahadu Kamble and others ...Applicants

Versus

Shakuntalabai Hari Barve ...Respondent

...
Mr. M. L. Dharashive, Advocate for applicants

...
[CORAM: [SUNIL P. DESHMUKH AND
K. K. SONAWANE, JJ.]

Date: 23rd October, 2018

ORDER :

1. Looking at the subject matter, while trial court had rejected application for amendment to the plaint which had been confirmed by order dated 10th April, 2012 in writ petition no. 7518 of 2011, the same had been the subject matter in present letters patent appeal no. 41 of 2013. The letters patent appeal had been allowed on 15th February, 2013. Review of said order in letters patent appeal is being sought in the present application.

2. Learned counsel for applicants purports to contend that there had been no due diligence in carrying out amendment and letters patent appeal ought not to have been allowed.

3. However, division bench while passing order dated 15th February, 2013 in letters patent appeal no. 41 of 2013 (letters patent appeal (stamp) no. 19164 of 2012) has observed to the effect that appellant in letters patent appeal appears to be illiterate rustic village lady coming from *mofussil* area, deserves to be given some due and since evidence had been led in respect of description of property and the defendants claimed to have deposed in tune with the same, no prejudice would be caused to the defendant, as the amendment is clarificatory in nature.

4. There appears to be no substance in the matter. It appears that the review also loses out on its efficacy with the passage of time. Review application is not being entertained, and is dismissed.

[K. K. SONAWANE, J.]

[SUNIL P. DESHMUKH, J.]