

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

Misc. Civil Application (Review) No.996/2018
in Second Appeal No.473/2016

Arjunlal s/o Ratanlal Jaiswal
Vs.
Miss Sujata w/o Hemantsingh Bais and others.

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

Shri C.A.Joshi, Advocate for applicant.

CORAM : A.S.CHANDURKAR, J.
DATED : 18.09.2018

Heard Shri C.A.Joshi, learned counsel for the applicant, who submits that in view of the decision in *Shripat Chaituji Mahajan Vs. Sanjay Radheshyam Jaiswal and others*, reported in 2002(5) *Mh.L.J.* 528, the observations made in para 6 of the judgment under review deserves to be reconsidered. It is urged that in view of the aforesaid decision, finding recorded that the observations made in para 40 of the judgment of the trial Court do not deserve to be taken into consideration by the authorities while considering the entitlement of the parties to the license, are uncalled for.

Reading of the entire judgment in Second Appeal No.473/2016 indicates that in para 7 of that judgment, it has been observed in clear terms that the observations in para 40 of the judgment of the trial Court only to the extent that the plaintiff being sole licensee shall not be taken into consideration by the authorities while deciding further proceedings between the parties.

In view of this clear observation indicating the extent to which the observations in paragraph 40 of the judgment of the trial Court should not be taken into consideration, I do not find there is any error apparent on the face of the record to invoke review jurisdiction. The Misc. Civil Application is thus disposed of.

JUDGE

Andurkar