

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

Civil Application [MCA] No.177 of 2018
in
First Appeal No.1012 of 2010

Rajendrasingh s/o Jhabbusingh Tomar & another
vs.

Union of India, its General Manager, Central Railway, C.S.T. Mumbai

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

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Court's or Judge's Orders

*Shri S.K. Sable, Advocate for the Applicants/Appellants.
 Ms. Shweta Hanwante, Advocate for the Respondent.*

CORAM : S.B. SHUKRE, J.
DATE : 14th AUGUST, 2018.

Heard the learned Counsel for the appellants
 and the learned Counsel for the respondent.

The only contention of the appellants is that
 the facts and circumstances of this case have not
 been properly appreciated by this Court and this Court
 has hurriedly drawn conclusion in the matter. It is also
 submitted that, at the most, the matter could have
 been remanded back to the lower forum for
 reconsideration in accordance with law.

The first ground of challenge cannot be a
 subject matter of review and, therefore, it is rejected.
 The second ground of challenge can also not be a
 ground for review, as what has been done by this

Court was within the scope of the powers, which are exercised by the Court while deciding the first appeal. It has not been shown by the appellants that there was something, which was not available on record at the time when the lower authority rendered its findings. Whatever has been done by this Court, was only on the basis of the facts and circumstances established on record. Therefore, there is no merit in this application. The application stands rejected. No costs.

JUDGE

**sandesh*