

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
REVIEW APPLICATION NO. 194 OF 2018 IN
SECOND APPEAL NO. 527 OF 2017

Rangnath Mankaji Shelke
& others

Applicants

Versus

Venkati Mankaji Shelke

Respondent

Mr. K.D. Khade, advocate for applicants.
Mr. M.C. Ghode, advocate for respondent.

CORAM : NITIN W. SAMBRE, J.
DATE : 26th April, 2019.

P.C. :

The judgment under review is passed in second appeal wherein this Court has considered the issue as regards admissibility of oral relinquishment deed.

2. Learned counsel for appellants-applicants submits that this Court should also have gone into the issue of entitlement of sisters to their share in the ancestral property.

3. The fact remains that said point was never argued while arguing the second appeal and as such, this Court has no occasion to consider the same.

4. Once it can be inferred from the record that said point as regards entitlement of sisters to the share in ancestral property was never canvassed, this Court, in review jurisdiction, cannot

re-open the judgment enhancing the scope of review jurisdiction.

5. No palpable error apparent on the face of record is noticed.

6. Review application as such stands rejected.

NITIN W. SAMBRE
JUDGE

dyb