

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

*CIVIL APPLICATION NO. 226 OF 2016
IN
REVIEW PETITION (Stamp) NO.16446 OF 2016
IN
SECOND APPEAL NO.60 OF 2016*

M/s.Nikhil Enterprises

... Applicant.

V/s.

Mr.Dinesh Rajanikant Trivedi

... Respondent.

None for the Applicant / Petitioner.

None for the Respondent.

CORAM : N.M. Jamdar, J.

Date : 25 July, 2019.

P.C. :-

The Civil Application is taken out for condonation of delay in filing the review. I have considered the merits of the review to find out whether any purpose will be served by issuing notice in the Appeal. Matter is notified on the Board. None appears for the Petitioner. None had also appeared when last time the matter was listed on Board. I am sitting single today specifically to take up review applications. Grounds for review have been set out in the Petition itself, which I have gone through.

2. The order under review was passed in Second Appeal. The Appeal challenging the concurrent judgment and orders passed by the Civil Judge and District Judge, was dismissed. A Review is sought on the ground that the Court has not considered that trial Court had conducted the suit under the provisions of Maharashtra Rent Control Act, 1999 but the Appellate Court had tried the appeal under provisions of Transfer of Property Act, 1882 and the 7/12 extract. This contention finds reflection in paragraph 5 of the order dated 27 April 2016 passed in the Second Appeal and has been dealt with. The argument regarding revenue records has been considered and dealt. The Appellant has its remedies of challenging the order. No ground for review is made out. Therefore, Civil Application as well as Review Petition are disposed of.

(N.M. Jamdar, J.)