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

WRIT PETITION (STAMP) NO.24091 OF 2019

Ranjan Bhauso Dombé ... Petitioner
Versus
Bajrang Sambhaji Bagal and Ors. ...Respondents

Mr. M. A. Patil, for the Petitioner.

CORAM : REVATI MOHITE DERE, J.

DATE : 17th FEBRUARY, 2020

P.C. :

1. Heard learned counsel for the Petitioner.
2. By this Petition, the Petitioner has impugned the order dated 21st December, 2013, passed by the learned Civil Judge, Junior Division, Pandharpur, as well as the order dated 9th July, 2019, passed by the learned 3rd Joint Civil Judge, Senior Division, Pandharpur, below Exhibit – 1, by which, the petitioner's application seeking review of the order dated 21st December, 2013 passed below Exhibit – 33 in R.C.S. No.112 of 2012, was rejected.
3. According to the learned counsel for the petitioner, the respondents – plaintiffs had filed a false plaint and given wrong

information that there was no partition when infact there was partition of the suit premises. He submits that pursuant to the partition, the petitioner had purchased the suit premises. He submits that in view of the false information supplied by the respondents – plaintiffs, the petitioner filed a written statement and sought that criminal prosecution to be initiated against the plaintiffs and defendant no.2 under Section 340 of the Criminal Procedure Code.

4. Perused the papers in particular the impugned orders. As noted above, the respondents – plaintiffs had filed a suit for partition. In the said suit, the petitioner – original defendant no.1 filed his written statement stating that the information supplied by the respondents – plaintiffs was false, that there was no partition of the suit premises when infact there was partition. The said prayer was rejected by the trial Court vide order dated 21st December, 2013 observing that the petitioner (original defendant no.1) had an appropriate forum for seeking criminal prosecution and for filing criminal complaint against the parties. It appears that after the said impugned order was passed on 21st December, 2013, i.e. after 3 years, on 7th June, 2016, the petitioner filed an application seeking review of the order dated 21st December, 2013, passed below Exhibit – 33 by the trial Court. The trial Court after condoning the delay rejected the Review

Application filed by the petitioner. The trial Court observed that no ground is made out for reviewing the earlier order. The trial Court also observed that the order dated 21st December, 2013, does not suffer from any error or mistake apparent on the face of the record of the proceeding, warranting interference of the said orders.

5. No infirmity can be found in the impugned orders passed by the trial Court.

6. Accordingly, the petition is dismissed.

7. Needless to state that all contentions raised by the petitioner in the written statement are kept open for agitating the same before the appropriate forum.

REVATI MOHITE DERE, J.