

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

**CIVIL APPLICATION (S) No.109/2020 in SECOND APPEAL No.160/2018 AND
In MCA 1372/2018**

Suhas Balaji Yerawar
Vs.
Arun Keshavrao Yerawar and another.

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

Court's or Judge's Orders

Dr. Anjan De, Advocate for applicant.
Shri Ritesh Dawda, Advocate for non applicants.

CORAM : A.S.CHANDURKAR, J.

DATE : 24.01.2020

This application seeks recall of the order dated 31.07.2018 passed in Second Appeal No.160/2018 and the order dated 21.12.2018 passed in Miscellaneous Civil Application (Review) No.1372/2018.

2. In support of the application the learned counsel for the applicant submits by relying upon the decision in ***Ravinder Kaur Grewal and others Vs. Manjit Kaur and others 2019 (6) Mh.L.J. 87*** especially paragraph 58 thereof that as it is open for the plaintiff to seek declaration of his title by way of adverse possession, the orders in question deserve to be reviewed. He also relies upon the decisions in ***Board of Control for Cricket, India Vs. Netaji Cricket Club 2005 AIR SC 592*** and ***M.M.Thomas Vs. State of Kerala 2000 (1) SCC 666*** to urge that such errors can be corrected in exercise of revisional jurisdiction.

3. The application for review cannot be entertained for two reasons, firstly the judgment dated

31.07.2018 in Second Appeal No.160/2018 was sought to be reviewed. The review however has been dismissed on 21.12.2018. The bar under the provisions of Order XLVII Rule 9 of the Code of Civil Procedure, 1908 is thus attracted.

Secondly subsequent interpretation of law cannot be a good ground for review and therefore I am not inclined to entertain the review application. Though it is urged on behalf of the applicant that the prayer is for recalling of the aforesaid orders, in effect review is sought by way of recalling of orders. Hence the said application is not entertained and it is accordingly rejected.

JUDGE

Andurkar..