

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

C.A.O. NO.115/2021 AND M.C.A. ST. NO.1896/2021 IN W.P. NO. 4469/2009 (D)

(LAXMAN GULBRAO CHIDAM **VERSUS** RAMBHAU GULABRAO CHIDAM)

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

Court's or Judge's order

Shri A.R. Ingole, counsel for the applicant.
Shri A.S. Dhore, counsel for the non-applicant.

CORAM : A. S. CHANDURKAR, J.

DATED : 27TH AUGUST, 2021.

Heard the learned counsel for the parties.

According to the learned counsel for the applicant in view of the decision in *Durga Mohan Joshi Versus International Metal Industries & Others* [AIR 1984 Bombay 314] this Court was not justified in maintaining the order passed by the Executing Court extending the time so as to permit the non-applicant to pay balance consideration of Rs.75,000/-.

Perusal of the judgment in *Durga Mohan Joshi* (supra) indicates that the suit therein was for recovery of amount and hence it was held that the time for payment as stipulated in the final decree could not be enlarged by relying upon the provisions of Section 148 of the Code of Civil Procedure, 1908. In the present case, the suit is for specific performance and hence ratio of that decision would not be applicable.

In absence of any error apparent on face of record, there is no ground made out to exercise review jurisdiction. The civil application and the miscellaneous civil application are therefore rejected.

(A. S. CHANDURKAR, J.)