

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 2700 OF 2022

IN

CIVIL REVISION APPLICATION STAMP NO. 4556 OF 2022

Ashok Hariram Jatal

... Applicant

Versus

Surekha Sanjay Kaile and others

... Respondents

....

Mr. B. N. Patil, Advocate for applicant

Mr. R. K. Ashtekar, Advocate for respondent No.1

Mr. M. L. Dharashive, Advocate for respondent Nos. 3 and 4A to 4C

....

CORAM : R. G. AVACHAT, J.

DATED : 05th JULY, 2022

PER COURT :-

. This is an application seeking leave to file revision application against the order dated 31.10.2015, passed on Exh.1 by the learned District Judge-2, Latur in Regular Civil Appeal No.321 of 2012.

2. Heard.

Regular Civil Suit No.390 of 2003 was filed by the respondent No.1 for partition and separate possession of her share in the suit property. The respondent No.1 is the married daughter of the defendant No.1 in the said suit. The suit was decreed in July 2009, holding the plaintiff therein to have 1/5th share. The First Appeal,

being Regular Civil Appeal No.321 of 2012 was filed challenging the judgment and decree passed in Regular Civil Suit No.390 of 2003. The said appeal came to be dismissed in default on 31.10.2015. The decree was put to execution. The execution proceedings are underway. The applicant herein is a purchaser of one of the suit properties. He has purchased the same in November 2018 i.e. post dismissal of the First Appeal. There is, *prima-facie* nothing to indicate that the suit or proceedings in appeal was collusive in nature.

3. In view of the same, no case is made out for grant of leave to file revision against the order dismissing the appeal (R.C.A. No. 321 of 2012) in default.

4. The civil application is rejected.

[R. G. AVACHAT, J.]

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