

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

**CIVIL APPLICATION NO. 1249 OF 2018
IN
REVIEW PETITION NO. 2 OF 2018**

Smt. Indubai Namdev Dhabugade ..Applicant

IN THE MATTER IN BETWEEN

Lalasaheb Tukaram Dhabugade@
Shri. Namdev Tukaram Dhabugade
Since deceased through his L.R.s ..Petitioners

Versus
Shri. Yashwant Balu Shelke ..Respondent

Mr. Ashok Dhabugade, for the Applicant in 1(a).
Mr. Kirankumar J. Phakade, for the Applicant No.1(b), 1(c) & 1(d).
Mr. Manoj Patil i/by Sachin K. Hande, for the Respondent.

CORAM : NITIN W. SAMBRE, J.

DATE : 14th November, 2022

PC.

1. Second Appeal 179 of 1993 was decided by this Court by reasoned order and dismissed the same on 11th June, 2015.
2. The present applicant was applicant No.1(a) in the said Second Appeal and was represented through a lawyer.
3. Subsequently the said applicant feeling aggrieved preferred review petition No.2 of 2018. The said review petition was also dismissed with a reasoned order on 13th June, 2018.
4. Counsel for the applicant, Mr. Ashok Dhabugade submits that he has taken out present application for rehearing of the review petition,

as he was not completely heard when the review petition was decided as certain points remained to be canvassed. He would urge that the applicant was not heard in the matter and as such the present application is moved for recalling order in the review petition.

5. The said prayer is opposed by the counsel for respondent as according to him, the present application is not maintainable in law. If the prayer is granted, same amounts to reviewing the order passed on review application.

6. Having appreciated the said submissions, there appears to be substance in the submission made by counsel for non-applicant. After the second appeal was dismissed by this Court by reasoned order. The applicant preferred review petition which was decided by this Court on 13th June, 2018, thereby rejecting the prayer for review. The said order of rejection of review petition is a reasoned one and this Court has not only marked the presence of the counsel for the applicant but has also dealt with his submission.

7. Apart from above even if for the sake of argument, the contentions of the counsel for applicant are accepted that he was not heard, still fact remains that this Court has no authority to entertain second review application, as if the present application is allowed, same will amount to reviewing the order passed in review petition.

8. As such, it is held that the present application stands rejected.

[NITIN W. SAMBRE, J.]