

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

CIVIL APPLICATION (CAO) NO.620 OF 2022
IN
MISC. CIVIL APPLICATION STAMP NO.11011 OF 2022 (REVIEW)
IN
SECOND APPEAL NO.709 OF 2017 (D)

(Subhash Bajirao Bankar and another Vs. Dr. Madhukar Balaji Tappe)

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

Court's or Judge's orders.

Mr. Sawan S. Alaspurkar, Advocate for Applicants.

CORAM: ROHIT B. DEO, J.
DATE: 19th AUGUST, 2022.

This application is taken out for condonation of delay of 568 days in preferring the application under Order 47 Rule 1 read with Section 114 of the Civil Procedure Code, 1908.

2. While *prima facie*, the delay in preferring the review application is not explained properly, I have perused the grounds in the application on the basis of which review is sought, and having done so, I am satisfied that no case for review is made out. Perusal of the application seeking review would indicate, that the entire endeavour is to demonstrate that the concurrent findings recorded by the Courts are incorrect. It is further contended that the Courts below did not consider the question of *non joinder* of necessary parties. I note that while admitting Second Appeal

709/2017 the substantial question of law which was framed is, “*Whether the defendants had sufficient opportunity to put forth their defence before the trial Court in the light of the grievance made by them with regards to Pursis at Exhibit 37?*”

3. What is argued, in essence, is that other than the substantial question of law which was framed by this Court, certain other questions ought to have been formulated and answered.

4. The rest of the averments in the review application are aimed at demonstrating that the Courts below failed to consider the facts in the correct perspective. Illustratively, in review, it is asserted that the trial Court erred in holding that certain documents were admitted on record in the absence of proof.

5. I am afraid, that the contentions raised cannot be considered in review jurisdiction.

6. While I am condoning the delay, the review application is dismissed on merits.

JUDGE

NSN