



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

**Misc. Civil Application No.435 of 2022 In
Writ Petition No.1239 of 2020 (D)**

Sandeep s/o Vijayrao Ingle v. Aniruddha Chaitram Ramteke and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.K. Waghmare, Advocate for the Petitioner/s
Shri Masood Shareef, Advocate for the Respondent Nos.12 and 13
Shri H.D. Dubey, AGP for the Respondent/State

**CORAM : ANIL S. KILOR, J.
CLOSED FOR ORDER : 14.09.2023
PRONOUNCED ON : 26.10.2023.**

1. Heard.
2. This review petition is filed in Writ Petition No.1239 of 2020, seeking review of the judgment dated 13.04.2022.
3. The writ petition No.1239 of 2020 was filed, raising the challenge to the order dated 01.02.2020 passed by the 17th Jt. Civil Judge Senior Division, Nagpur, rejecting the application filed by the petitioner under Order VI Rule 17 of the Code of Civil Procedure (CPC).
4. The suit was filed by the petitioner for declaration, specific performance, possession, permanent injunction and for cancellation of sale deed dated 31.01.2007 executed and registered in favour of the defendant Nos.2 to 11 by defendant No.1.

5. The writ petition was dismissed on the ground that suit property in respect on which the plaintiff and defendant No.1 had made an agreement is the different property and not the property as claimed by the defendant Nos.12 and 13. The another ground was the evidence was closed and the matter was also argued.

6. The present review application filed mainly on the ground that the certified copy of one Indenture dated 27.02.1965 was received by the petitioner recently. It is submitted that, the said copy was not produced by the defendant Nos.12 and 13 during the course of the evidence or even the notice to produce the document was given to the defendant Nos.12 and 13 on 06.08.2019.

7. However, after going through the said document, it is evident that the certified copy of the said document was ready for delivery on 12.07.2019. No justification has been given for not filing the said document before passing the judgment dated 13.04.2022, which is sought to be reviewed by this review petition. In the circumstances, the said ground cannot be considered as a ground available for the petitioner for seeking review.

8. As far as the delay in filling the application for amendment or due diligence, this Court while passing the judgment and order dated 13.04.2022, has already taken into consideration and dealt with it.

9. In the circumstances, as no case is made out for review, accordingly, the application is **rejected**.

[ANIL S. KILOR, J.]