

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO. 76 OF 2022.

IN

WRIT PETITION NO. 948 OF 2002.

TALLE
SHUBHAM
ASHOKRAO

Chandar Laxman Dhokale

...Petitioner.

Versus

Jagannath Daji Dhokale

...Respondent.

Ms. Gunjan Shah a/w K. P. Shah for the Petitioner.

Mr. Tejas Vijaykumar Dhotre a/w Adv. Samrat Kurlekar, Adv. Manoj Sabale for the Respondent.

Coram : Sharmila U. Deshmukh, J.

Date : December 3, 2024.

P. C. :

1. By this Petition, Review is sought of the order dated 25th July 2019, dismissing the Petition.
2. I have heard Ms. Shah, learned Counsel appearing for the Review Petitioner and Mr. Dhotre, learned Counsel appearing for the Respondent.
3. Ms. Shah would submit that the order under review holds that there is no document of Petitioner's father produced to show that the Petitioner's father is the deemed owner. She submits that the documents were part of the Petition and were tried to be pointed out to the Hon'ble Court, however, the Hon'ble Court did not take note of the said documents and therefore there is an error apparent on the

face of record. She would further point out Ground (b) and (c) of Review Petition pleading that the order 31st July 1967, passed by the Additional Mamlatdar and ALT clearly records that the Petitioner's father was in possession of the suit property from 1956 to 1965 and has therefore become deemed purchaser and admittedly there are documents and evidence which clearly answer the queries raised by the Court.

4. Mr. Dhotre, would submit that no grounds for review are made out and the Petition cannot be re-heard under guise of review.

5. I have perused the order under Review dated 25th July, 2019. The Petition challenged the order of the Maharashtra Revenue Tribunal dismissing the Revision against the decision of Sub-Divisional Officer in the Tenancy Appeal which upheld the order of Tahsildar. Thus there were three concurrent findings against the Petitioner. The order originated from the reference of the Civil Court as regards the Petitioner's father becoming the deemed purchaser of the suit property, which was answered by three authorities in the negative. In that context, the order observes that despite repeated queries as to the evidence of the Petitioner's father being a tenant, there was no answer.

6. By way of the present Review Petition, the Review Petitioner now seeks to answer the query put by the Court in the

earlier round of litigation by pointing out the documents establishing the claim of having become the deemed purchaser. Such a course is not permissible and would amount to re-hearing of the arguments on the main Petition.

7. The Review jurisdiction can be exercised on the grounds set out in Order 47 Rule 1 of CPC. Perusal of the order under review would indicate that it was ineffectiveness of the concerned Advocate to point out material to respond to the queries raised by the Court which led to the dismissal of the Petition after holding that the findings of fact have been affirmed in the Tenancy Appeal as well as the Revision Application. It is well settled that the error referred to in Order 47 Rule 1 of CPC must be apparent on face of the record and not one which has to be searched out. It must be an error of inadvertence.

8. The grounds set out in the Petition does not make out any case for Review. Review stands dismissed.

[Sharmila U. Deshmukh, J.]