



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

MISC. CIVIL APPLICATION NO. 351 OF 2024 (REVIEW)

IN

WRIT PETITION NO. 6206 OF 2022 (D)

(MOTIRAM BHURAJI MALI..VS.. GOPAL KUNJILAL RATHI & OTH.)

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

Court's or Judge's orders

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Shri O.A. Ghare, Advocate for Applicant/Petitioner.

CORAM : ANIL S. KILOR, J.

DATED : APRIL 23, 2024.

1. Heard.
2. This review application is filed on the ground that the Ground-A stated in the petition was not considered and no findings are recorded on the same.
3. While moving this application, the applicant has changed the lawyer. Learned counsel Shri Rohan Chhabra was the lawyer who argued the writ petition and this application has been filed by the learned counsel Shri O.A. Ghare.
4. There is no ground raised in the review application that though the Ground-A raised in the petition and argued no findings recorded in that regard.
5. The ground which was never argued though stated in the petition, there is no reason for this Court to record any findings on such ground.

6. The ground which is not argued, though stated, can be treated as not pressed. Moreover, the undertaking given by the applicant to vacate the premises shows that the applicant has accepted the verdict of this Court.

7. The learned counsel for the applicant is not disputing the fact that the judgment was dictated in open Court. However, it was not pointed out that such point was argued but not recorded in the order.

8. The learned counsel for the applicant has cited the judgment of the Hon'ble Supreme Court of India in the case of *Rasiklal Manikchand Dhariwal ..vs.. M.S.S. Food Products*, reported in (2012) 2 SCC 196, in which it is held that if the point was taken and argued and no reasons are recorded in relation to such point, a remedy is to approach to the same Court and ask for review. However, the judgment is not of any help to the applicant for the reason that in this case, though the ground was raised in the petition, it was never argued.

9. In that view of the matter, since the ground on which the review is sought is not permissible under law, the review application is **rejected**. No order as to costs.

**JUDGE**