



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**REVIEW APPLICATION (CIVIL) NO. 13 OF 2025
IN SA/170/2023**

BHAGWAT RAMDAS BHOI

VERSUS

DNYANDEO JAGANNATH PATIL AND ANOTHER

...

Mr. Nasimoddin Rafiyoddin Shaikh, Advocate for Applicant.

Mr. A. J. Patil, Advocate for Respondent Nos.1 and 2.

...

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 04th FEBRUARY, 2025.

P.C.:-

1. The applicant seeks review of the judgment and order dated 02.12.2024 passed by this Court in Second Appeal No.170/2023.

2. The learned Advocate appearing for the applicant submits that the District Court as well as this Court relying upon the contents of the sale deed dated 29.07.2005 executed in favour of vendors of defendant have erroneously observed that right of way conferred to defendants vendor under sale deed was further passed on to defendants. According to him, as per sale deed road was provided from North-South direction. However, plaintiffs claimed right of way on East-West direction. By referring to the contents of the sale deed, the learned Advocate appearing for the applicant submits that error apparent on the face of record has been occurred in appreciation of contents of sale deed. Consequently, observations of the District Court, which are confirmed by this Court are erroneous and require to be corrected. For that purpose, he seeks recall of the order.

3. Mr. Patil, learned Advocate appearing for the respondents justifies observations and consequential order.

4. Perusal of the claim clause in the plaint shows that plaintiffs have claimed right of way to approach their field from land Gut No.139 owned by defendant. The claim clause elaborately described the approach road, the part of which passes from the land of defendant from Gut No.139/1. The sale deed dated 29.07.2005 demonstrates right of way as claimed by the plaintiffs. This Court has appreciated the contents of the sale deed coupled with map of Commissioner and found that there is no error in the judgment, as contended by the applicant.

5. In that view of the matter, no case is made out to review the judgment and order under Review Application. Hence, Review Application stands rejected.

(S. G. CHAPALGAONKAR)
JUDGE