



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION (CIVIL) NO. 68 OF 2024
IN SA/691/2019

Pandurang Arjun Wadavkar L.rs. Tulsabai Pandurang
Wadavkar And Others

VERSUS

Alkabai Dattatraya Auti

- Mr. V. D. Hon, Senior Advocate i/by Mr. A. V. Hon,
Advocate for the Applicants

CORAM : R. M. JOSHI, J

DATE : APRIL 22, 2025

PER COURT :

1. Heard learned Senior Counsel for the
Applicants.

2. Applicants i.e., Original Appellants in Second
Appeal No. 691/2019 and Defendants in RCS No. 260/2003
are seeking review of the judgment and order dated
19.01.2024 passed by this Court.

3. The review is sought essentially on the ground
that this Court has not taken into consideration the
fact that the marriage of the Respondent was performed
prior to year 1994. In this regard, the order passed by

this Court indicates that the said fact was duly considered and after considering the same, contention of the Appellants came to be rejected on other grounds.

4. Applicants also seek review of the order on the ground that no opportunity of raising the issue of the marriage of the Respondent prior to year 1994 and therefore, her disentitlement in the share of the joint family properties before the First Appellant Court and as a result of which, the order passed by this Court has led to denial of one opportunity of an Appeal against findings. Undeniably, no such plea was raised before the First Appellate Court. Since the issue raised before this Court was pure question of law, the same was permitted to be agitated and decided by this Court in Second Appeal. Thus, it cannot be said that Applicants are denied of an opportunity of appeal, by recording of findings by this Court in the order impugned.

5. Similarly, according to the Applicants the issue of partial partition as raised in the written statement was not considered by the Courts below. This

issue was required to be taken up before the First Appellate Court. Since the same has not been raised at appropriate stage, it amounts to waiver on the part of the Applicants.

6. In order to cause review of any order there has to be an error apparent on the face of record. Even if the order is erroneous, the only remedy that would be available to the parties is to challenge the same in the higher Court and not to file review.

7. Having regard to the grounds raised in the review application, no case is made out for the review of order dated 19.01.2024. In the result, application stands dismissed.

8. At this stage, learned Counsel for the Applicants seeks continuation of order of status quo granted by this Court for a period of two weeks.

9. This Court has passed judgment on 19.01.2024 and the request made by the Appellants for continuation of the status quo in order to enable the Appellants to

take exception to this order to the Hon'ble Supreme Court was granted for a period of four weeks. Instead of filing proceedings before Hon'ble Supreme Court, present review application came to be moved. However, in the interest of justice, order of status quo granted by this Court in order dated 19.01.2024 stands extended for further period of two weeks. It is clarified that there shall be no further extension of the said order.

(R. M. JOSHI, J.)