



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

**CIVIL APPLICATION NO. 3134 OF 2025
IN RAST/5041/2025**

**Prakash Goturao Randhir
VERSUS
Shrichand Therumal Katariya And Others**

Mr. C. T. Jadhav, Advocate for Applicant

CORAM : R. M. JOSHI, J.

DATE : 19th March, 2025

PER COURT :-

1. This civil application is for condonation of delay. For the reasons mentioned in the application, this Court finds it appropriate to condone delay of 62 days. Hence, application stands allowed.

2. Heard learned counsel for petitioner. It is his submission that the issue with regard to the alleged forgery done by the plaintiff has not been considered by this Court while passing impugned order. Similarly, it is considered in view of possibility of negligence of the part of Municipal Corporation, applicant becomes necessary and proper party. It is his submission that these aspects are not considered by this Court and hence there It is apparent error on the face of record. He also contends that subsequent

developments i.e., lodging of FIR by applicant herein is not considered by this Court. Hence, order deserves to be set aside.

3. At the outset, it should be recorded that this Court in Writ Petition was called upon to examine the correctness of the orders impugned passed by the Trial Court rejecting the application filed by the applicant under Order I Rule 10 of the Civil Procedure Code. This Court, therefore, was required to see as to whether material on record justified in passing order impugned. Trial Court on the basis of material placed before it was right in passing the order rejecting the application with observation that the applicant is neither necessary nor relevant party to the suit. This Court too on considering contention of the petitioner and material before Trial Court has passed the said order to be just and proper.

5. In order to be successful in seeking review of any order, the error apparent on face of record must be shown. Here, in this case, nothing is shown from record to indicate such order. Even if it is case of the Applicant that the order impugned is not correct, still review is not permissible.

6. It is often noticed by this Court that in stead of challenging the orders before Higher Court, the provision of review is being abused more than

often. Hence, application is dismissed with cost of Rs. 5,000/- payable to Advocates Association, Bar library, High Court of Bombay, Bench at Aurangabad.

(R. M. JOSHI, J.)

bsj