



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

59 REVIEW APPLICATION (CIVIL) NO. 17 OF 2025
IN SA/581/2015

MADHAV MOHNAJI WAGHMARE

VERSUS

SHIVAJI PURBHAJI WAGHMARE AND ANOTHER

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Advocate for Applicant : Mr. S.R. Bagal h/f Mr. Gadegaonkar Bharat N.
Advocate for Respondent : Mr. Aniket V. Wadwale h/f Mr. Anil M. Gaikwad

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CORAM : SHAILESH P. BRAHME, J.

DATE : 20.11.2025

PER COURT :

Heard both sides.

2. Judgment under review is passed on 23.10.2023 in Second Appeal No. 581/2015, dismissing the second appeal. The appellant was original plaintiff, who suffered a decree of dismissal of his suit by both Courts below. The learned counsel for the applicant submits that long standing mutation entries in the name of the applicant/original plaintiff have presumptive value and dispense with burden on the applicant to prove his ownership. But this aspect has not been dealt with, which is a mistake apparent on record. It is further submitted that Gunakar Patrak is not a title document to corroborate claim of the defendant. It is further submitted that learned Judge overlooked that after partition no change was effected in the record of right for Survey No. 192, meaning thereby that both parties have equal share.

3. Learned counsel for the respondent submits that no case is made out to invoke review jurisdiction. All aspect of the matter has already been dealt

with. The grounds pressed in the review are that of appeal in disguise.

4. I have gone through the judgment under review giving elaborate reasoning. The long standing revenue record in the name of the applicant/plaintiff was subsequently corrected. It has been recorded that applicant is unable to place on record any material to corroborate his claim for title over the suit land. The revenue record is for fiscal purposes and would not confer title. I find that the learned Judge has dealt with all aspects of the matter. Most of the grounds pressed into service by way of review application have already been dealt with.

5. No case is made out to cause any interference in the review jurisdiction. Merely because another view is possible, cannot be a ground to recall the judgment. I find no merit in the application.

6. The Review Application is rejected.

(SHAILESH P. BRAHME, J.)

mkd/-