



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

CIVIL APPLICATION NO. 882 OF 2025

IN

MISC. CIVIL APPLICATION ST NO. 16431 OF 2025 (REVIEW)

IN

SECOND APPEAL 100 OF 2025 (D)

Abdul Shakeel Abdul Rehman & anr.

Vs.

Firoz Khan s/o. Sarfaraz Khan & ors.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. C. A. Babrekar, Advocate for appellants.

Mr. J. A. Fidavi, Advocate for respondent No. 1.

CORAM : ROHIT W. JOSHI, J.

DATE : 15.09.2025.

. This is an application seeking condonation of 42 days delay caused in filing review application. The contesting respondent No. 1/Decree Holder has not filed reply opposing the contentions in the application.

2. For the reasons mentioned in the application, the delay of 42 days is condoned. The civil application is accordingly disposed of.

MISC. CIVIL APPLICATION (REVIEW) ST. NO. 16431 OF 2025

3. Heard with consent of applicants and the contesting respondent No. 1/Decree Holder.

4. The learned Advocate for the applicants states that while deciding the Second Appeal vide judgment

dated 05.05.2025, this Court has not taken into consideration the Commissioner's report, which shows longstanding possession of the original objector-Abdul Rehman (father of the present applicants).

5. Perusal of the judgment will demonstrate that although the father of the applicants came to be in possession of the suit property from the year 1996, he did not dispute that his son, respondent No. 3 (Tausif) who is also Judgment Debtor No. 2 had entered into an agreement of sale with respect to the suit property with the respondent No. 2 (vendor).

6. The judgment debtor No. 1 executed the agreement on 25.08.2001 in favour of Judgment Debtor No. 2. The pleadings did not suggest as to how the possession had become adverse. This Court has held that the objection was a collusive objection filed by the father in case where his son has suffered a decree in a suit for specific performance of contract whereby possession of the suit property was required to be delivered to the Decree Holder/respondent No. 1.

7. It is also not clear as to how the alleged long standing possession of the objector became adverse. It is also held that, the alleged possession, even if adverse, assumed permissive character on 25.08.2001, i.e. the date on which son of the objector entered into an agreement of sale.

8. In view of the above, no case is made out for review. Therefore the Misc. Civil Application is dismissed.

(ROHIT W. JOSHI, J.)

Tanmay.