



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

CIVIL APPLICATION (CAO) NO.440 OF 2026 IN
MISC. CIVIL APPLICATION (REVIEW) ST. NO.8175 OF 2026 IN
SECOND APPEAL NO.428 OF 2022

Datta Namdeo Chavre and others .Vs. Vitthal S/o Namdeo Chavre and others

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

Court's or Judge's Order

Mr. V.N. Patre, Advocate for appellants.

CORAM : ROHIT W. JOSHI, J.

DATE : 07/05/2026

CIVIL APPLICATION (CAO) NO.440 OF 2026

1. For the reasons mentioned in the application, application for condonation of delay is **allowed**. Application for review is taken up for hearing.

2. The appellants are seeking review of judgment and order dated 24.02.2026 passed by this Court in Second Appeal No.428 of 2022. The appeal arising out of suit for partition. The plaintiff, who is brother of the defendant No.1/present appellant has filed a suit for partition with respect to the properties which has fallen to the share of father of the parties in partition arrived at between the plaintiff, defendant No.1 and their father. This partition is dated 20.05.1974. The fact of partition is not in dispute.

3. However, the case of defendant No.1 is that after the said partition, in the year 1986, the father and defendant No.1 (son) had exchanged the properties which were allotted to their respective shares in the partition of the

year 1974. The learned Court has rejected case of exchange set up by the defendant. This Court has concurred with the findings recorded by the learned Court. This Court has also recorded that an exchange by virtue of Section 118 read with Section 54 of the Transfer of Property Act, 1882, must be effected through registered document. It has also come on record that a portion of the property which had fallen to the share of defendant No.1 was transferred by him through sale deed dated 01.11.2005.

4. Review of the judgment is sought on the ground that revenue record with respect to the property stated to be sold vide sale deed dated 01.11.2005 still stands in the name of defendant No.1. I am afraid, the said contention cannot be a good ground for review. The sale deed dated 01.11.2005 is not challenged. It is also admitted that there is no registered deed of exchange between the father and defendant No.1.

5. No case for exercising jurisdiction under Section 114 of the Code of Civil Procedure is made out. Application for review is **rejected**.

(ROHIT W. JOSHI, J.)