

ORDER BELOW EXH.1

The present application is filed for review of order below Exh.23 filed under Order 21, Rule 97 of Civil Procedure Code, 1908.

2. It is submitted on behalf of judgment-debtor that, the application Exh.23 was filed under Order 21 Rule 97 of C.P.C. after hearing at length to the parties. The said application was decided after long period. However, at the time of argument the J.D. has relied upon the judgments of Hon'ble Bombay High Court, reported in AIR 1995 SC 358 and AIR 2002 SC 251. However, the court has not refereed the said judgment in the order and inclined to reject the application, therefore, requested to review the orders supra and consider the cited judgments in deciding the present application.

3. The say of D.H. by filing his say over the leaf of the application has submitted that, application is not tenable in the eyes of law and denied its contents in toto. The D.H. has requested to reject the application.

4. Perused application and say. The J.D. and his advocate are absent when called repeatedly. They are failed to argue on the application. The Ld. Adv. Mr. S. Y. Deshmukh for D.H. is present before the court. Heard Ld. Adv. S. Y. Deshmukh for D.H. He submitted that, the order below Exh.23 is passed on its own merit and it is came to be rejected. There is no error in the said order. Therefore, the application is not maintainable in the yes of law thus requested to reject it.

5. At the time of considering the application of review of its own order the court is requires to see whether the application is brought on or for the discovery of new and important matter or evidence which is after

exercised of due diligence was not within the knowledge of the applicant, such important matter or evidence could not be produced by the applicant at the time when decree was passed and order or on an account of some mistake or error apparent on the face of the record or any other sufficient reason. The present application is brought only on the ground that, the cited case law is not cited my ld. Predecessor officer by passing order below Exh.23. I have gone through the order passed below Exh.23 by my Ld. Predecessor, I have not found any apparent error on its face about law or fact. It is not case of the J.D. that, some new fact or evidence has been discovered. In such circumstances, the application being devoid on merit deserves to be rejected Hence I pass following order-

ORDER

The application is rejected.

Dated : 29/11/2022

Place :- Yeola.

(A. S. Kambale)
Jt. Civil Judge, Jr. Div.
Yeola, Dist. Nashik.