

**Order below Exh. 113
in R.C.S. No. 240 / 1988**

1. Perused application and say of defendant. Gone through the record. Heard plaintiff in person and counsel for defendant to Advocate Shri. N.D. Shinde. This application on behalf of plaintiff to review of the order passed below Exh. 99 dtd. 26/03/2014. It is contention of the application that, order passed below Exh. 99 is without considering the argument hence, it needs to be reviewed. It is submitted on behalf of plaintiff that, there is an error on the face record and order passed is with misconception hence also it requires to review. The further contention of the application that, prayer of plaintiff is in accordance with the plaint.

2. The application has been strongly opposed by defendant. It is say of defendant that, order below Exh. 99 has been passed on merits and the application being not within perview of review needs to be rejected.

3. I have gone through the record. This application of plaintiff is in view of Section 114 and Section 115 of C.P.C. In view of Section 114 of C.P.C.

“Review of judgment or order is serious steps and a reluctant resort to it is called for only where a glaring omission, patent mistake or grave error has crept in

earlier by judicial fallibility. The scope of review is very limited and cannot be allowed to be an appeal.”

The provision further guides that,

“erroneous decision on merits and erroneous view of law is not an error apparent on the face of record. The provision also guides that, review cannot be claimed to correct an erroneous view taken earlier.”

4. The record shows that, an order passed below Exh. 99 is on merits. Though, as per contention of plaintiff that, it is erroneous then also considering the scope of Section 114 of C.P.C. and order passed below Exh. 99 there does not appear an error which is self evident and hence it cannot be corrected. That, the application being not within perview of relevant provision, it is liable for rejection. Hence, with this I pass the following order.

- : ORDER :-

1. Application rejected.
2. Costs in cause.

Date : 21 / 04 / 2014

Sd/-
(Mrs. M. S. Kakade)
Jt. Civil Judge, J.D., Pandharpur.
