

MHAU010016862018



**Civil Revision No. 01/2018
Shamimbee Vs. Nandkishor**

ORDER BELOW EXHIBIT NO. 1

The learned advocate for the applicant are absent when called out repeatedly. The applicant is the original J.D. No. 2 in R. D. No. 58/2008 pending before the 4th Jt. Civil Judge (S.D.), Aurangabad. The D.H. had filed a suit for Specific Performance of Contract bearing R.C.S. No. 84/1982. It was allowed and the same judgment and decree was upheld upto the Hon'ble Bombay High Court, Bench at Aurangabad.

2. The D.H. was directed to deposit Rs. 7000/- in the Court within one month from the date of Judgment dated 30.09.1983. The Regular Civil Appeal was filed on 08.02.1984 and it was dismissed on 24.12.1986. The second appeal was dismissed on 25.02.2015. The documents filed by the applicant discloses that, the R.D. No. 58/2008 was filed on 11.03.2008 and on the same day an application vide Exh. 5 was filed to permit to deposit Rs. 7000/-. The application was allowed on 05.04.2008 and the amount was deposited on 07.04.2008.

3. The applicant vide Exh. 26 had preferred an objection to reject the R.D. No. 58/2008. The trial Court by order dated 15.11.2017 was pleased to reject the same. The said order is challenged before this Court.

4. The learned advocate for the applicant was directed to argue on the point of maintainability of the revision application before this Court.

However, the learned advocate remained absent. As per Section 115 of the Code of Civil Procedure the Hon'ble Bombay High Court is having revisional powers. This Court is not vested with the revisional powers. Thus, the application is not maintainable, it deserves to be dismissed for want of maintainability. In the result, following order is passed.

ORDER

The application is dismissed for want of maintainability.

Date :- 22.02.2021.

(M. N. Patil)
District Judge - 12,
Aurangabad.

CERTIFICATE

I affirm that the contents of this P. D. F. file order are same word to word, as per original order.

1. Name of the Stenographer :- K. A. Choudhari
2. Court :- (M. N. Patil),
District Judge – 12,
Aurangabad.
3. Date of Order :- 22.02.2021.
4. Order signed by
Presiding Officer on :- 22.02.2021.
5. Order uploaded on :- 23.02.2021.