

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**APPELLATE SIDE CIVIL JURISDICTION****REVIEW PETITION NO. 7 OF 2011****IN****FIRST APPEAL NO.1727 OF 2000**

M/s. Fiza Construction

..... Petitioner

Vs.

Ismail Suleman Sheikh and ors

....Respondents.

Mr. Uday Warunjikar for the Applicant/Petitioner.

Mr. S.S. Kanetkar for the Respondent Nos.1(A) to 1(D).

Mr.S.A. Sawant with Mr. Sachin Kadam for the Respondent No.2.

**CORAM : SMT. VASANTI A. NAIK AND
C.V. BHADANG, JJ.****DATE : 23.01.2015****P.C.:-**

By this Petition, the Petitioner seeks a review of the order dated 19.10.2010 in First Appeal (Stamp) No. 16012/2008.

The Petitioner was not a party to Special Civil Suit No.188 of 2005, the judgment in which gave rise to First Appeal (Stamp) No. 16012/2008. So also, the Petitioner was not a party to the First Appeal. The First Appeal has been disposed of by this Court by the order that is sought to be reviewed dated 19.10.2010. In fact, the Petitioner has filed the Special Civil Suit No. 86/2008 against the Appellant in First Appeal No. (Stamp) No. 16012/2008. It needless to state that the Petitioner has other remedies for challenging the order dated 19.10.2010. The Petitioner can as well

raise an objection that the consent decree to which it was not a party, cannot be binding on it. The review petition is, however, not maintainable.

Since no ground is made out for reviewing the order dated 19.10.2010, the review petition is dismissed with no order as to costs.

The prayer made by the Petitioner for continuation of the interim relief for a period of four weeks is rejected. Order accordingly.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)