

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION (STAMPT) NO. 2433 OF 2014
IN
CIVIL REVISION APPLICATION NO. 330 OF 2013

Yusuf Hussain

.. Petitioner

vs.

Kalawanti G. Methani
(since deceased through her
Constituted Attorney) and ors.

.. Respondents

Mr. A.S. Gaikwad for the Petitioner.

CORAM : M. S. SONAK, J.

DATE : 14 JULY 2015.

P.C. :-

1] By this Review Petition, the petitioner seeks a recall of the order made by this Court on 25 April 2013 in Civil Revision Application No. 330 of 2013. As against this order, the petitioner instituted a Special Leave Petition which was dismissed on 27 June 2013. The petitioner also instituted Writ Petition No.11109 of 2013 seeking recall of the order dated 25 April 2013. The same was, however, withdrawn with liberty to institute the present Review Petition.

2] The learned counsel for the review petitioner submitted that in case where it is established that a judgment and order has been

obtained by playing a fraud, then such judgment and order can be recalled, notwithstanding the circumstance that Special Leave to Appeal as against the same has been declined. There is no quarrel with this proposition. However, in the facts and circumstances of the case, the petitioner has failed to make out a case that the order dated 25 April 2013 was obtained by playing some fraud on the Court.

3] Th petitioner, made reference to report dated 14 April 2013 forwarded by Senior Police Inspector, Colaba Police Station to the Chief Metropolitan Magistrate in the context of a complaint by Yusuf Hussain, the review petitioner herein. On the basis of such complaint, the petitioner contends that the letter, which was produced in the course of evidence as signed by the then Secretary of the Society Shri. Ramsingh J. Ramchandani, when confronted with the same by the police has stated that same is not signature of Ramsing J. Ramchandani. On this basis, it is alleged that the various orders made by the Courts are vitiated by fraud.

4] At the outset, this very contention was raised before the Appeal Court and the Appeal Court negated such contention. The

contention was thereafter reiterated in Civil Revision Application No. 330 of 2013 and the same was also not accepted. The Apex Court has declined to grant leave to appeal as against the order dated 25 April 2013. The significance of letter, in the context of eviction order made is also not very clear. On basis of contention that the signature on the said letter was not that of then Secretary of the Society, is really not a significant ground in the context of the orders of eviction made by the Trial Court, Appeal Court and which have been confirmed by this Court.

5] Accordingly, no case is made out for either review or recall. Review Petition is dismissed. There shall be no order as to costs.

(M. S. SONAK, J.)

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