

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.786 OF 2014**

1. M/s L.U.Navlakha & Sons, ..Applicants
through partner Kesharchand
Lalchand Navalakha and Anr.

Vs

1. Registrar of Companies and .. Respondents
Anr.

Mr.Sudhir V. Somalkar, Advocate for Applicants.

**CORAM : R.G.KETKAR,J.
DATE : 30/11/2015**

PC:

1. Heard Mr. Sudhir Somalkar, learned counsel for the applicants at length.
2. By this Application under Section 115 of the Code of Civil Procedure, 1908, (for short, 'C.P.C.'), the applicants have challenged the Judgment and order dated 10.12.2013 passed by learned Judge, 19th Jt. Civil Judge, Jr. Dn., Pune, below Exh.1 in Review Application No.72 of 2012. By that order, the learned trial Judge rejected the application made by the applicants under Section 114 read with Order 47, Rule 1 of C.P.C. seeking review of the Judgment and order dated 23.8.2012 passed below Exh.12 in Regular Civil Suit No.137 of 2012. By that order, the learned trial Judge allowed the application and rejected the plaint as it did not disclose cause of action under Order VII Rule 11(a). During the course of argument, Mr. Somalkar's attention was invited to the

decision of **Kamlesh Verma Vs. Mayawati**, AIR 2013 Supreme Court 3301 laying down the scope of review. It is observed by the Apex Court as under :

“The jurisdiction and scope of review is not that of an appeal and it can be entertained only if there is an error apparent on the face of the record. An error which is not self-evident and has to be detected by a process of reasoning can hardly be said to be an error apparent on the face of the record justifying the Court to exercise its power of review. A review is by no means an appeal in disguise whereby an erroneous decision is re-heard and corrected, but lies only for patent error. Error contemplated under the rule must be such which is apparent on the face of the record and not an error which has to be fished out and searched. It must be an error of inadvertence. The power of review can be exercised for correction of a mistake but not to substitute a view.”

3. In view thereof, Mr. Somalkar, upon taking instructions from Mr. Rajesh Navalakha, son of Kesharchand Lalchand Navalakha, partner of M/s.L.U.Navlakha & Sons, seeks permission to withdraw this application with liberty to challenge the order dated 23.8.2012.

4. On the motion made by Mr. Somalkar, Civil Revision Application is allowed to be withdrawn with liberty to challenge the order dated 23.8.2012. It is made clear that I have not examined the merits of the order dated 23.8.2012. All contention of the parties in that regard are expressly kept open.

(R.G.KETKAR, J.)