

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION NO.10 OF 2015
IN
CIVIL REVISION APPLICATION NO.1067 OF 2014**

Heeralal son of Murlidhar Chaturvedi

..Petitioner

Vs.

**Shree Mathur Chaturvedi
Dharamshala Trust & Ors**

..Respondents

Mr. D. S.Chandnani for the Petitioner

Mr. Ankit Lohia i/b Ms Neeta Parikh for the Respondents

CORAM : R. M. SAVANT, J.

DATE : 4th SEPTEMBER, 2015

P.C.

1 The above Review Petition is filed seeking review of the order dated 30-1-2015. By the said order, the above Civil Revision Application was allowed and the impugned order dated 20-6-2014 passed by the Learned Judge of the City Civil Court, Mumbai (Trial Court) was set aside and the Trial Court was directed to decide the Application filed under Section 9A by the original Applicants in the Civil Revision Application by framing the issues which are mentioned in the Affidavit in support of the Motion filed by the original Applicants which find a place in paragraph 5 of the said order dated 30-1-2015. The reasons why the said issues are required to be framed are mentioned in the said order and especially a reference is made to the antecedent adjudication and the registration of the original Applicant trust i.e. the

Respondent No.1 herein. As indicated above, the Petitioner /original Respondent seeks review of the said order dated 30-1-2015.

2 The Learned Counsel for the Petitioner sought to virtually reargue the Civil Revision Application and sought to rely upon the decree passed in Special Civil Suit No.3590 of 1962 which has already been referred to whilst adjudicating the Civil Revision Application. As indicated above, the Civil Revision Application has been finally disposed of by the order dated 30-1-2015 by remanding the application filed under Section 9A of the Civil Procedure Code back to the Trial Court for consideration in terms of the observations made in the said order dated 30-1-2015 of which review is sought. The Review jurisdiction obviously cannot be invoked to re-argue the Civil Revision Application which has already been disposed of. No ground for review under any of the eventualities mentioned in Order 47 of the CPC is made out. The Review Petition is accordingly dismissed.

[R.M.SAVANT, J]