

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO. 100 OF 2014
IN
WRIT PETITION NO. 3540 OF 2012

Eknath Dnyanu Pawar (Decd.) through
LRs Chandrakant Eknath Pawar & Ors.

... Petitioners

Vs.

Dinkar Ramchandra Pawar (Decd.)
through LRS & Ors.

... Respondents

Mr. Vijay Chavan with Mr. Nikhil Chavan, Advocate for the petitioners.

Mr. Mahindra Balasaheb Deshmukh, Advocate for respondent nos. 2 to 4.

Mr. Ranjit Patil, Advocate for the respondent.

CORAM: **MRS.MRIDULA BHATKAR, J.**
(In Chamber)

DATE : **JULY 3, 2015**

P.C.:

This Petition is moved for review of the order dated 2nd July, 2013 in Writ Petition No. 3540 of 2012. This Petition is filed within time, i.e. on 23rd July, 2013.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3. The order under challenge cannot be reviewed, as this Petition cannot fall within the parameter of Review Petition under section 114 and Order 47 of the Code of Civil Procedure. Hence, the Review Petition is rejected.

4. The learned counsel for the petitioners submitted that though the prayer in the review is not to the effect of deleting certain factual incorrect mentioned in the order, he prays that in paragraph 1 sixth line, the words “He concedes that” are to be deleted. So also he points out that in eighth line, the sentence “One of the defendants in the suit has already filed a substantive suit, namely RCS No. 54 of 2011” is also to be deleted, as the petitioners and respondents are parties to the suit but none have filed Suit No. 54 of 2011.

5. The learned counsel for the respondents has no objection for speaking to minutes.

6. As this is a Review Petition and the parties are present praying for speaking to minutes, by consent of both the counsel, the order is corrected as follows:

1. Paragraph 1 sixth line, the words “He concedes that “ is deleted.
2. Paragraph 1 eighth line, the sentence “One of the defendants in the suit has already filed a substantive suit, namely RCS No. 54 of 2011” are the statements of learned counsel for the respondents, hence that does not require any modification.

MRS.MRIDULA BHATKAR, J.)