

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION ST.NO.24870 OF 2014
IN
WRIT PETITION NO. 11594 OF 2013**

Abha Dastane Rao **..Applicant**

In the matter of

Dr. Shubhada Mithilesh & Ors. **..Petitioners**

Vs.

Prabhakar Deolankar & Ors. **..Respondents**

Ms Abha Dastane Rao, the Applicant in person present

Mr. S. N. Chandrachood for the Respondent No.1

Mr. P. J.Pawar for the Respondent No.2

Mr. Hemant Ghadigaonkar for the Respondent Nos.3 and 4

CORAM : R. M. SAVANT, J.

DATE : 14th JANUARY, 2015

P.C.

1 The delay in filing the above Review Petition has been condoned by an order passed today in Civil Application No.2268 of 2014. By consent of the Review Petitioner she is appearing in person and the Learned Counsel Mr. Chandrachood appearing for the Respondent No.1, the Learned Counsel Mr. Pawar appearing for the Respondent No.2 and the Learned Counsel Mr. Ghadigaonkar appearing for the Respondent Nos.3 and 4, the above Petition is taken up for hearing.

2 The review is sought of the order dated 2-4-2014 passed by this Court by which order, the above Writ Petition filed by the Respondent Nos.3 and 4 came to be dismissed. The dismissal is on the ground that the summary

proceedings under Section 192 of the Indian Succession Act, could not have been adopted as there is a testamentary bequest of the assets and the said provision can only be invoked when the deceased dies intestate. The fact that the Respondent No.1 has been issued a probate was also taken note of. This court has adverted to the fact that the application for revocation of the probate is pending before the appropriate Court as also the fact that further distribution of the assets is stopped pending consideration of the application for revocation of probate.

3 The Review Petitioner is the Respondent No.3 to the said Writ Petition. The Petitioner in person sought to make submissions thereby seeking to re-argue the said Writ Petition, which is not permissible. This Court has dismissed the Writ Petition for the reasons mentioned in the order dated 2-4-2014 of which the review is sought. The submission sought to be urged namely that there is mis management of the assets of the deceased by the executor as also the submission that Section 192 of the Indian Succession Act could be invoked, were the submissions which were urged before this Court in the earlier round. Hence no case for review under any of the eventualities mentioned in Order XLVII of the Civil Procedure Code, is made out, the Review Petition is accordingly dismissed.

[R.M.SAVANT, J]