

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

***REVIEW PETITION (St.) NO. 28925 OF 2013.
in
CIVIL REVISION APPLICATION NO.502 OF 2013***

Bharat Petroleum Corporation Limited. .. Petitioner
Vs.
Dr.Iqbal Sulemanji Mohamedally
Arsiwala and ors. .. Respondents

Mr.P.S.Dani Senior advocate a/w Mr.S.R.Page, for Petitioner.
Ms.Snehal Modi, for Respondent Nos.1 to 3.

***CORAM: N.M.Jamdar J.
Monday 30 March, 2015***

Oral Order:

The delay in filing this Review petition was condoned in Civil application No.223 of 2014 today and the Review petition is taken up for consideration.

2 The trial Court had decreed the suit filed by the Respondents and inquiry into mesne profits was conducted. The trial Court had awarded the mesne profits at the rate of Rs.1,56,210/- from August 2004 to December 2005 and at the rate of Rs.1,59,807.87/- per annum from January 2006 till delivery of possession along with interest at the rate of 6% per annum. After dismissal of the appeal, the review Petitioner filed a Revision application No.502 of 2013 which was rejected by the learned Single Judge (Coram:S.V.Gangapurwala, J), on 21 August 2013. The learned

Judge took note of the fact that the Petitioner had not led any contra evidence to show that the valuation based on Ready Reckoner was incorrect. The learned Judge observed that it is not that valuation based on Ready Reckoner is not permissible at all.

3 This Review petition is filed by the review Petitioner on the basis of valuation report dated 20 September 2013 and a document of sale of the year 2011. The valuation report sought to be relied upon is after the decision of the learned Single Judge, on 21 August 2013 i.e. after the conclusion of the proceedings. As regards the Sale deed is concerned that was not placed before the Court.

4 In the revisional jurisdiction, Court has to see whether there is any jurisdictional error in the decision challenged, and the inquiry is limited. Both the Courts had, on the basis of material produced before it, arrived at mesne profits. A valuation report obtained subsequent to the conclusion of the proceedings, cannot be made basis of reopening the revisional proceedings. Review petition therefore, cannot be entertained and is accordingly rejected.

5 At this stage, the learned counsel for the Petitioner seeks continuation of ad-interim relief. The learned counsel for the Respondents opposes. Considering the facts and circumstances, the ad-interim order granted already is continued for a period of four weeks from today.

(N.M.Jamdar, J.)