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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO. 7 OF 2015

Smt. Taralaxmi Sivhshankar Joshi and others .. Petitioners
Vs.
M/s.Premier Traders .. Respondent

Mr.B.R.Dalal, Advocate for the Petitioners.
Mr.S.R.Saudagar, Advocate for Respondent.

CORAM : R.G.KETKAR, J.
DATE : 30th JANUARY, 2015

P.C. :

. Heard Mr. B.R.Dalal, learned Counsel for the petitioners
and Mr.S.R.Saudagar, learned Counsel for the respondent at length.

2. By this petition under section 114 read with Order 47 of
the Code of Civil Procedure, 1908 (for short 'C.P.C.'), the petitioners
have sought review of order dated 10/10/2014 passed by this Court in
Writ Petition No.5009 of 2014. By that order, the petition instituted
by the petitioners challenging the judgment and order dated
24/12/2013 passed by the learned Judge presiding over Court Room
No.26 of the Court of Small Causes at Mumbai below exhibit 41 in
R.A.E. & R. Suit No. 610/903 of 2006 was dismissed. In paragraph 6
of that order, it was noted that the learned trial Judge while
dismissing the application at exhibit 41 had observed in the impugned
order that it is not the case of the plaintiffs that the documents sought
to be inspected by them are the documents referred by the defendant
in his defence. The defendant has neither relied upon nor referred to

these documents in his defence. Even in paragraph 7, it was held that respondent-defendant neither relied upon the documents nor referred to those documents of which inspection was sought by the plaintiffs. In view thereof, petition was dismissed. While dismissing the petition, it was expressly made clear by the Court that where a decree is appealed by the petitioner from, any error, defect or irregularity in the impugned order, affecting the decision of the case, may be set forth as a ground of objection in the memorandum of appeal as contemplated by Section 105(1) of C.P.C. After hearing Mr.Dalal, I do not find that the petitioners have made out a case for reviewing that order. In the case of *Kamlesh Verma Vs. Mayawati*, **AIR 2013 Supreme Court, 3301**, the Apex Court has held 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. The mere possibility of two views on the subject is not a ground for review. Review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order XLVII, Rule 1 of C.P.C. ”

3. In view thereof, petition fails and the same is dismissed.

(R.G.KETKAR, J.)