

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**REVIEW PETITION (L) NO.49 OF 2015
IN
NOTICE OF MOTION NO.436 OF 1989
IN
SUIT NO.3047 OF 1988
WITH
NOTICE OF MOTION (L) NO.2503 OF 2015**

Kishore Manik Ramchandani ... Petitioner
versus
Chandru Manik Ramchandani ... Respondent

Mr. Kishore N. Ramchandani, Petitioner present in person.
Mr. Rajiv Narula i/by M/s. Jhangiani Narula and Associates, for Respondent.

CORAM: S.J. KATHAWALLA, J.

DATE: 9th SEPTEMBER, 2015

PC.:

1. By the above Review Petition which is filed on 3rd September, 2015, the Petitioner/Original Defendant No.1 in Suit No.3047 of 1988 has prayed for the following reliefs :

“(a) that this Hon'ble Court be pleased to set aside the order dated 12th September, 1991 passed by His Lordship Justice Shri D.R.Dhanuka, J. and restore the suit for adjudication of the matter as the same has been obtained by the Plaintiff by playing fraud;

(b) that this Hon'ble Court be pleased to restore the possession as per the order dated 25-03-1994 passed by His

Lordship Justice Shri S.M.Jhunhunwala, J.”

2. Admittedly, the Petitioner has already filed a Suit against the Respondent before the Bombay City Civil Court being Suit No.9303 of 1994 impugning the said Consent Terms and for consequential reliefs on the same grounds as mentioned in the Review Petition. In the said Suit, the trial has commenced i.e. the cross-examination of the Plaintiff is completed and the Defendant No.1 is required to file his Affidavit of Evidence to enable the learned Judge to proceed with the trial. The Respondent too has filed a Suit against the Petitioner being Suit No.2086 of 1992 before the City Civil Court, Mumbai. The trial in that suit is yet to commence. In view thereof, the question of entertaining the above Review Petition at this stage, does not arise and the same is dismissed. The Notice of Motion (L) No.2503 of 2015 also stands dismissed.

3. However, since the Petitioner states that he is awaiting justice since the last few decades, the Principal Judge, City Civil and Sessions Court, Mumbai, shall club both the above Suits i.e. 2086 of 1992 and 2956 of 1994 and assign the same for hearing and final disposal to the Learned Judge before whom the trial in Suit No.2956 of 1999 has already commenced. The Learned Judge shall commence the trial from 29th September, 2015 and continue with

the same if possible on day to day basis. The Learned Judge shall not grant any adjournments to the parties unless absolutely necessary

4. The Petitioner has also complained before this Court that he has been threatened by the Respondent and their Advocates. The said allegation is vehemently denied by the learned Advocate for the Respondent. However, if any of the parties have any grievance against each other, the same shall be placed before the Learned Judge, City Civil Court, Mumbai, hearing Suit Nos.2086 of 1992 and 2956 of 1994 and the Learned Judge shall after hearing the parties, pass suitable orders. Office to forthwith forward a copy of this order to the Registrar, City Civil and Sessions Court, Mumbai, for appropriate action.

(S.J.KATHAWALLA, J.)

Certified to be true and correct copy of the original signed order.