

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL JURISDICTION
REVIEW PETITION LOD.NO.53 OF 2015
IN
SUIT NO.1464 OF 2012

J.P.Datta .. Petitioner
Versus
Bharat Shah & Anr. .. Respondents

Mr.Ashish Kamat with Ms. Megha Chandra with Ms. Akshita Palvia
i/b. Naik Naik & Company for petitioner
Mr.Shailesh, Senior Advocate with Debajit Banerjee and Kunal
Parekh i/b. Thakore Jariwala & Associates for respondents

CORAM : S.C.GUPTE, J.

DATE : 30th October 2015

P.C.

1] The petition seeks review of an order passed by this Court on 31st October 2014. The portion of the order objected to in this review petition consists of admission of three documents. These documents were admitted after recording the defendant's (i.e. the Review Petitioner's) no objection to the marking of these documents. It is submitted in the review petition that the documents are inadequately stamped. The objection concerning inadmissibility of a document on account of insufficiency of stamp has to be taken

at the time when the document is taken up for marking. On that date, the defendant not only did not take any objection to the marking of the documents on account inadequacy of stamp duty paid thereon, but expressly had his no objection recorded to the marking of these documents. In the premises, there is no case made out for this court to exercise its jurisdiction to review an order under Order XXXVII Rule 1 of the Code of Civil Procedure, 1908. The conditions for exercise of review jurisdiction provided for in Rule 1 of Order XXXVII are not satisfied. The Review petition is dismissed with no order as to costs.

(S.C.GUPTE, J.)