

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

REVIEW PETITION (L) NO.55 OF 2015
IN
WRIT PETITION NO.523 OF 2013

S.D.Bhoskar & Co. and another	Petitioners
versus	
Bank of Baroda and another	Respondents

Mr.Nitin Thakkar, Senior Advocate, with Mr.Satish Shetye,
D.V.Dalwani i/by Ms.Hemakshi B. Gandhi for Petitioners.

Mr.Nikhil Rajani i/by M/s.V.Deshpande & Co. for Respondent
no.2.

CORAM : S.C.DHARMADHIKARI AND
B.P.COLABAWALLA, JJ.

DATE : 11 December 2015

PC :

The Review Petitioners are the original Petitioners in
Writ Petition No.523 of 2013. They seek review of the order
passed on 14 October 2015.

2. Mr.Thakkar would rely upon a prior order in that
behalf to urge that there was a purely legal issue involved and
the court was, therefore, inclined to admit the petition and keep
it pending for consideration. The matter was to be heard on the
relevant date only on the question of grant of interim relief. At

that stage, this Court has finally disposed of the writ petition, though there was a legal issue involved and the court was at one stage inclined to consider it. Now, serious prejudice will be caused to the Petitioners because the Petitioners would have to comply with the condition of pre-deposit and then alone the appeal filed before the Debts Recovery Appellate Tribunal would be heard and decided. The non compliance with the condition imposed will result in dismissal of the appeal before DRAT. Therefore, it is in the fitness of the things that the legal questions be decided by this Court.

3. Mr.Thakkar would rely upon Order 47, Rule 1 of Code of Civil Procedure, 1908 and particularly power of this Court to review the subject order on account of some mistake or error apparent on the face of record.

4. Having considered the contentions of Mr.Thakkar, we are of the view that this review petition is entirely misconceived. We cannot in the garb of a review, rehear the original matter that has been disposed of. The argument now canvassed or presented or capable of being presented and though presented was not considered, is not a ground for review of our order. There is a difference between jurisdiction to review an order and an appellate jurisdiction for correcting all errors committed by the subordinate Court. In the later one, all errors on merits are capable of being corrected. In the

former one, the Court cannot go behind the order under review and cannot rehear the original case. We are of the opinion that the order dated 14 October 2015 is, if in any way erroneous, it is open for the Petitioners to challenge it, but we cannot review it as we think that the limited parameters of review jurisdiction do not permit us to do so.

5. The review petition is dismissed. No costs.

(S.C.DHARMADHIKARI, J.)

(B.P.COLABAWALLA, J.)

MST