

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION NOS. 3 TO 18 OF 2016
IN
FIRST APPEAL NOS. 1287, 1285, 1293, 1291, 1283,
1288, 1282, 1296, 1284, 1297, 1281, 1294, 1290,
1295, 1292 AND 1286 OF 2015

Mayank Thakkar and Others ... Petitioners
vs.
Kanaiyalal Purshottamdas Shah and Others ... Respondents

WITH
CIVIL APPLICATION NO. 100 OF 2016
IN
REVIEW PETITION (ST.) NO.10729 OF 2016

Gunvant M Patel ... Petitioner
vs.
Kanaiyalal Purshottamdas Shah and Others ... Respondents

Mr. M.M. Vashi, Senior Advocate a/w. Ms. Prachi Khangde i/b.
M/s. M.P Vashi and Associates, for the Petitioners.
Mr. S.N. Vaishnava, Senior Advocate a/w. Mr. Vipul Shukla,
Advocate for Respondent Nos. 1 to 11.
Ms. Pratibha Borade, Advocate in CAO. No. 100 of 2016.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 12th APRIL, 2016

P.C.:

. The petitions are moved by the Petitioners for review of
the order passed by this Court on 24th February, 2016 by which all
First Appeals were dismissed. The Petitioners are the original

Appellants. The learned senior counsel Mr. Vashi has now submitted that the Petitioners have produced Exhibit 'B' i.e. the documents from page No. 44 to 52 (Kami Jast Patra) which discloses that the area i.e. portion of the land where tenements of these Petitioners are standing is slum. He submitted that these documents were procured by the Petitioners on 4th March, 2016 after the judgment of this Court. He submitted that these documents were not available with the Petitioners and thereafter the judgment and order dated 24th February, 2016 is to be reviewed as it is a question of shelter of 18 persons.

2. The learned senior counsel Mr. Vaishnava while opposing these Petitions has submitted that the documents Exhibit 'B' were very much available with the Petitioners. However in fact the said documents were produced in the Chamber Summonses which were pending before Bombay City Civil Court by way of an amendment to the Chamber Summons. The trial Court by an order dated 26th June, 2015 has dismissed the amendment to the Chamber Summons and that order was challenged before this Court in Writ Petition No. 601 of 2015. The said Writ Petition was dismissed on 9th July, 2015 and

against which S.L.P. was preferred before the Hon'ble Supreme Court and the same was dismissed on 7th August, 2015.

3. Heard the submissions of both the parties. Perused the documents. Under Order 47 of the Code of Civil Procedure, it is necessary for the Petitioners who preferred Review Petition to show that the documents were not available with the Petitioners though they were diligent. Thus, when all the documents were very much available with the Revenue office, I am of the view that this Review does not fall within the ambit of Order 47(1) and 114 of the Code of Civil Procedure.

4. Hence, all the Review Petitions stand rejected.

5. The learned counsel for the Petitioner submits that time to be extended by two weeks to challenge the earlier order in First Appeals. The learned counsel for the Respondent opposes the prayer. However, he submits that till 28th April, 2016, the Respondent will not take any action.

(MRS.MRIDULA BHATKAR, J.)