

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
Review Petition (ST) NO. 13659 OF 2016
IN
Writ Petition NO. 8212 OF 2015

Bharat Zumbar Ahiwale and Anr. ...Petitioners

Versus

Ramdas Sitaram Palekar and Ors. ...Respondents

....

Mr.R.M. Haridas i/b. Pratik B. Rahade, Advocate for the
Petitioners.

....

CORAM : R. G. KETKAR, J.

DATE : 03rd August, 2016

P.C.

1. Not on board. At the request of Mr.Haridas taken up for
admission.

2. By this Petition under Section 114 read with Order
XLVII Rule 1 of Code of Civil Procedure, 1908, the petitioners
have sought review of the order dated 16.4.2016 passed by this
Court in Writ Petition No.8212/2015.

3. Mr. Haridas has invited my attention to the grounds
raised in paragraph-18 of the petition and submitted that in
view thereof the order dated 16.4.2016 deserves to be recalled
thereby restoring the Writ Petition for deciding on merits. By

order dated 16.4.2016, Writ Petition No.3661/2015 was dismissed. That petition was instituted by the petitioners challenging the order dated 3.12.2014 passed by the learned trial Judge rejecting their application for impleading them as party in the darkhast proceedings. While rejecting that petition it was observed that the petitioners therein had purchased the suit land from the judgment debtors, after suffering the decree passed by the learned District Judge, Pune. It was further held that the petitioners were claiming through the judgment debtors. In other words, they have not claimed independent rights. The petition was accordingly dismissed.

4. As far as order dated 16.4.2016 passed in Writ Petition No.8212/2015 is concerned, for the reasons recorded in the order dated 16.4.2016 passed in Writ Petition No.3661/2015, the petition was dismissed. The petitioners have sought review of the order passed in Writ Petition No.8212/2015. For the reasons recorded in the order dated 16.4.2016 passed in writ Petition No.3661/2015 as also in Writ Petition No.8212/2015, I do not find that the petitioners have made out any case for review of that order.

5. In the case of **Kamlesh Verma Vs. Mayawati**, AIR **2013 SC 3301**, the Apex Court while considering scope of review has observed thus :

“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.”

12. Applying the tests laid down by the Apex Court in the case of **Kamlesh Verma** (*supra*), I do not find that any ground is made out for seeking review of the order. Hence Review Petition fails and the same is dismissed.

(R. G. KETKAR, J.)