

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION*

*REVIEW PETITION NO. 12 OF 2016
IN
APPEAL FROM ORDER NO. 728 OF 2015*

Dilip Motumal Duhilani

.. Petitioner

Vs

Smt.Sumitra Rani

Widow of late Shri A.B.Gandhi & ors.

.. Respondents

Ms.Sunita Poddar, for Petitioner in Review Petition.

Mr.Ahmed Abdi a/w Mr.Satyaprakash Sharma and Ashok Asthana
i/b Abdi & Co., for Respondent Nos.2 to 5.

*CORAM : N.M.Jamdar, J.
Tuesday, 06 September 2016.*

P.C. :

By this Review Petition, Petitioner seeks to review the order dated 12 April 2016. Keeping in mind the limitation of review jurisdiction the arguments of the learned counsel for the Petitioner will have to be considered.

2. The submission advanced on behalf of the learned counsel for the Petitioner, is that in the order dated 28 March 2016 when none had appeared for the Petitioner while recording the contention of the Respondents this Court has mentioned that the appellate Court has

directed the Petitioner to deposit the arrears of royalty at the rate of ₹ 50,000 p.m. She submitted that it is this ₹ 50,000 that has been taken as a parameter for enhancement to ₹ 60,500 by the Court while passing the order under review. She submitted that the contention of the Respondents that this is mere typographical error, is not correct as the Respondents when they moved for speaking to minutes could have got the figure corrected. She submitted that this mentioning of ₹50,000/- in the order dated 28 March 2016 had gone to the root of the decision making by this Court in order under review and the order be recalled.

2. I have considered the submissions advanced by the learned counsel for the Petitioner. In the entire order there is no mention of the royalty at the rate of ₹ 50,000. The mention appears only at one place in the order dated 28 March 2016. In the order under review the order dated 28 March 2016 was simplicitor reproduced. If the order under review is perused, it clearly shows that the Court has applied its mind to the amount of ₹60,500 *vis-a-vis* the amount of ₹15,000. The contention of the learned counsel for the Petitioner in respect of fixation of amount of ₹60,500 is dealt with on merits in paragraph 8. The submission that it is not possible for the Petitioner to deposit the amount of ₹ 60,500 and the amount of ₹15,000 fixed by Division bench be continued, was also noted. Therefore, it cannot be said that this Court has taken Rs.50,000/- as a foundation

or was misled by the statement made by the Respondents recorded in the order dated 28 March 2016. No case is made out for exercising review jurisdiction, which has inherent limitations. Review Petition is rejected .

(N.M.Jamdar, J.)