

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

**REVIEW PETITION NO. 8 OF 2016
IN
CIVIL REVISION APPLICATION NO.782 OF 2014**

1. Mrs Sarojini Shetti and Ors ..Applicants.

Vs

1. Mrs Sudha wd/o Mohan S. .. Respondents
Vernekar and Anr

Mr. J.J.Thakkar i/b Mulla & Mulla & Craigie Blunt and Caroe,
Advocates for Applicants.

Mr. Rahul C. Mestry, Advocate for Respondents.

**CORAM : R.G.KETKAR,J.
DATE : 29/08/2016**

PC:

1. Heard Mr. J.J.Thakkar, learned counsel for the applicants and Mr. Rahul Mestry, learned counsel for the respondents at length.

2. As Mr. Presswala appeared at the time of admission, he made submission only for the purpose of clarifying the statement recorded in paragraph 13 of the order dated 19.7.2016. In paragraph 13, it was recorded that "Mr Presswala has not challenged the findings recorded by the Courts below on merits of the case. He fairly stated that these findings are recorded after appreciating the evidence on record." Mr. Presswala submitted that all that he stated was that the Courts below have recorded

findings of facts.

3. Perused the Application as also the order dated 19.7.2016 passed in Civil Revision Application No.782 of 2014. The statement recorded in paragraph 13 was as per the submission made by Mr Presswala. In view of this statement, no discussion was made about merits/demerits of the grounds of eviction. It is, therefore, not possible to accept the submission of Mr Presswala. After perusing the petition for review, no case is made out for review of the order dated 19.7.2016 passed in Civil Revision Application No.782 of 2014.

4. In the case of **Kamlesh Verma Vs. Mayawati**, AIR 2013 Supreme Court 3301, it is observed by the Apex Court as under :

“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 conated 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.”

5. Hence, Petition fails and the same is dismissed.

(R.G.KETKAR, J.)