

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

**REVIEW PETITION NO. 147 OF 2016
IN
WRIT PETITION NO. 7649 OF 2016**

Shri Shamrao Yashwant Jadhav Petitioners
(Since deceased through L.Rs.)
Smt. Shantabai Shamrao Jadhav & Ors.

Versus

Shri Chandrakant Laxman Kamble & Anr. Respondents

Mr. Sanjay Thokade for Petitioners in RPW No.147/16.
Mr. Kalpesh Patil for Respondents.

***CORAM : N. M. Jamdar J.
Thursday 13 October 2016***

P.C.

. Not on Board. Taken on production board by way of praecipe.

2. The review petition is thoroughly misconceived. By an order dated 14 September 2016, the petition was adjourned and the order of stay to the Civil Suit was vacated. Since the order challenged was only regarding framing of issue which can always be considered in the Appellate proceedings under Section 105 of

the Code of Civil Procedure. The Code has not provided any Appeal or Revision and it is only an extraordinary circumstances, the power under Article 227 of the Constitution of India is to be exercised. The review petition therefore cannot be considered and is accordingly rejected.

3. The Writ Petition itself need not be kept pending as all contentions of the petitioner as regard the impugned order are kept open to be considered in the appellate proceedings under Section 105 of the Code of Civil Procedure. The writ petition is accordingly disposed of.

(N. M. Jamdar, J.)