

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION (ST) NO. 32323 OF 2016**

IN

WRIT PETITION NO. 360 OF 2015

Asmita krishna Deshmukh

..Petitioner.

Vs

Prakash Kakubhai Rangwala and
Ors.

.. Opponent

Ms. Kavita Mahesh Pawar, Advocate for Petitioner.

CORAM : R.G.KETKAR,J.

DATE : 07/12/2016

PC:

1. Not on board. At the request of Ms.Pawar, taken up in production board. Heard Ms.Kavita Pawar, learned counsel for the petitioner at length.

2. By this Petition under Section 114 read with Order 47, Rule 1 of C.P.C, the petitioner seeks review of order dated 20.10.2016 passed in Civil Application (ST) No. 27670 of 2016 in Writ Petition No.360 of 2015. By that order, the time stipulated in the order dated 28.10.2015 for furnishing amended copy of plaint to the 8th respondent within a period of four weeks from the date of the order was extended. In the order dated 28.10.2015, it was a recorded payment of costs of Rs.5000/- was to be made to respondent no.8 within four weeks from date of order. The petitioner has, in the presence of the Court, paid costs of Rs.5000/- to respondent no.8 which costs have been accepted by respondent no. 8. Thus, only noncompliance on the part of the opponent herein was serving of the amended copy of plaint on respondent no.8 in the main petition.

3. Ms. Pawar submitted that in the order dated 20.10.2016 statement of the opponent herein that he had given notice of production of 20.10.2016 to the other side, was recorded. The said statement is factually incorrect and contrary to record. She has invited my attention to track consignment which indicates that the notice of production was served on the petitioner on 21.10.2016. In other words, she submitted that the notice of production of 20.10.2016 was not served. Still the respondent who is in habit of misleading the Court, represented that he had given notice of production to the other side.

4. Ms. Pawar further submitted that copy of even unamended plaint was unofficially served along with the Petition, in the sense, that amended plaint was not served during the period of four weeks from 28.10.2015. She fairly stated that the petitioner has filed written statement to the amended plaint.

5. It may be true that the petitioner was not given notice of production of 20.10.2016. However, it is evident that the opponent herein has served unamended copy of amended plaint and the petitioner herein has filed written statement to the amended plaint also. That apart, opponent herein also paid cost of Rs.5000/- in the presence of Court which was accepted by respondent no.8. In view thereof, no case is made out for review of the order. Review Petition fails and the same is dismissed.

(R.G.KETKAR, J.)