

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO. 5 OF 2016
IN
CIVIL REVISION APPLICATION NO. 139 OF 2007

Smt. Vijaya Bhikaji Desai & Ors. .. Petitioners
vs.
Smt. Indira Rani Ugrasen .. Respondent

Mr. S. G. Deshmukh for Petitioners.
None for Respondent.

CORAM : M. S. SONAK, J.
DATE : 06 MAY 2016

P.C :

1] Parameters of review jurisdiction are extremely restricted. Certainly, review is not an appeal in disguise. There is no scope to rehear arguments on the same issues which have already been decided.

2] On the basis of the material on record, and upon taking into consideration the decisions of the Hon'ble Apex Court as well as this Court, it has been held that there was valid service of notice by the landlord upon the tenant. Review cannot be applied for, merely on the ground that certain decisions were not brought to the notice of this Court at the time when the order was made. In any case, the decision in the case of ***Green View Radio Service vs. Laxmibai***

Ramji & Anr.¹, also states that the issue as to whether notice has been effected or not in a given case, depends upon the facts and circumstances as brought on record. Even the decision in the case of ***Lalmani Ramnath Tiwari vs. Bhimrao Govind Pawar***², states that in such matters no hard and fast rules can be laid down.

3] Accordingly, since no error apparent on face of record has been demonstrated, this review petition is dismissed. There shall be no order as to costs.

(M. S. SONAK, J.)

Chandka

1 (1990) 4 SCC 497

2 2001 (2) ALL MR 415