

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
REVIEW PETITION NO.69 OF 2014
IN
WRIT PETITION NO.2358 OF 2003**

Union of India & Ors.

..... Petitioners.

V/s

Kiran Champaklal Shah

..... Respondent.

Mr. Y.R. Mishra alongwith Mr. N.R. Prajapati for the
Petitioners.

Mr. A.S. Rao alongwith Mr. Prashant Kamble for the
Respondent.

**CORAM: V. M. KANADE &
M.S. SONAK, JJ.**

**DATE: 9th February, 2016
(In Chamber at 2.35 P.M.)**

P.C.:-

1. Heard the learned Counsel for the Petitioners.
2. It is submitted that this Court did not consider the fact that the Review Petitioners did not have address of Dr. Naveeta and due to lack of knowledge of the address of Dr. Naveeta, it was not possible to call her as witness.
3. In our view, the said submission is without any substance since the Tribunal had observed that if

Dr. Naveeta could not be served, it was open for the applicants to adduce secondary evidence and to conclude the inquiry. We are therefore of the view that no ground is made out for reviewing our own order. Moreover, this cannot be the ground for review since the submission was considered by the Central Administrative Tribunal and we had observed that the Tribunal had rightly given the said finding. Making the same submission again would amount to re-arguing the same point before this Court in review petition. This is not permissible.

4. Reserving the right of the Petitioners to challenge our order in the Apex court, Review Petition is dismissed.

(M.S. SONAK, J.)

(V.M. KANADE, J.)