

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION (REVIEW) NO. 22 OF 2017

IN

APPEAL FROM ORDER NO. 4 OF 2017

**APOLINARIO AGNELO JOAO ELIADOR
TELES.,**

... Applicant

Versus

**PEDRO FRANCISCO XAVIER TELES AND
32 ORS.,**

... Respondents

Mr. Ryan Da Piedade Menezes, Advocate for the applicant.
Mr. B. Khandeparkar, Advocate for the respondent nos.1 to 11.

Coram:- PRITHVIRAJ K. CHAVAN, J.

Date:- 11th September 2017

P.C.

By this application, the applicant seeks to review the order of this Court dated 6.9.2017 on the ground that there is an error apparent on the face of the record wherein argument of the applicant "that once the application dated 22.4.2015 stood withdrawn on 15.9.2016, the reply of the Interested Party no.33 did not survive" have not been considered.

2. Heard Mr. R. Menezes, learned Advocate for the applicant and Mr. B. Khandeparkar, learned Advocate for the respondent nos.1 to 11.

3. The scope of the review under Order XLVII of CPC is very limited which can be allowed mainly on following three

grounds:-

- (i) discovery of new and important matter or evidence which after the exercise of due diligence was not within his knowledge of the applicant or could not be produced by him at the time when the decree was passed or order made, or
- (ii) some mistake or error apparent on the face of the record or
- (iii) for any other sufficient reason(which has been interpreted to be analogous to the other reasons specified above.)

4. The question is whether there was any mistake or error apparent on the face of the record. The order speaks for itself that the impugned order dated 28.11.206 was itself nonest and therefore, non reproduction of the aforesaid arguments in the order under review would not be said to be error apparent on the face of the record. I, therefore, find no substance in the review application, which stands dismissed, with no order as to costs.

PRITHVIRAJ K. CHAVAN, J.