

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

**REVIEW PETITION NO.57 OF 2016
IN
WRIT PETITION NO.11680 OF 2015**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.Mehboob N. Ukani, petitioner is present in person.

CORAM : R. G. KETKAR, J.

DATE : 08/09/2017

P.C.:

1. Heard Mr.Mehboob Ukani, the petitioner appearing in person, at length.

2. By this Petition under Section 114 read with Order XLVII of Code of Civil Procedure, 1908 (for short, 'C.P.C.'), the petitioner seeks review of the order dated 4.1.2016 passed by this Court in W.P. No.11680/2015.

3. W.P. No.11680/2015 was instituted by the petitioner herein under Article 227 of the Constitution of India challenging (i) the judgment and order dated 22.9.2015 below Exhibit-18 and (ii) the judgment and order dated 22.9.2015 below Exhibit-22 in Special Civil Suit No.190/2015. By order below Exhibit-18, the learned trial Judge allowed the

application filed by original defendant No.5 seeking permission to file written statement after condoning the delay of 55 days caused in filing the written statement. By order below Exhibit-22, the learned trial Judge allowed the application filed by original defendants No.1 to 3 seeking permission to file written statement after condoning the delay of 55 days.

4. By order dated 4.1.2016, Writ Petition instituted by the petitioner was dismissed. It is against this order, present Review Petition is instituted. In support of this Review Petition, the petitioner has tendered written arguments as also relied upon following decisions:

- I. Basawaraj & Anr v The Spl. Land Acquisition Officer, 2013(3) G.L.H. 163 (Supreme Court);
- II. Shailaja A. Sawant v Sayajirao Ganpatrao Patil, 2004(2) Mh.L.J. 419

5. After perusing the written arguments, I do not find that any case is made out for reviewing the order dated 4.1.2016.

6. In the case of *Kamlesh Verma Vs. Mayawati*, AIR 2013 SC 3301, the Apex Court while considering scope of review has observed thus :

“The jurisdiction and scope of review is not that of an appeal and it can be entertained only if there is an error apparent on the face

of the record. An error which is not self-evident and has to be detected by a process of reasoning can hardly be said to be an error apparent on the face of the record justifying the Court to exercise its power of review. A review is by no means an appeal in disguise whereby an erroneous decision is re-heard and corrected, but lies only for patent error. Error contemplated under the rule must be such which is apparent on the face of the record and not an error which has to be fished out and searched. It must be an error of inadvertence. The power of review can be exercised for correction of a mistake but not to substitute a view."

7. Applying the tests laid down by the Apex Court in the case of **Kamlesh Verma** (*supra*) to the present case, I do not find that any ground is made out for seeking review of the order dated 4.1.2017. Hence, Petition fails and the same is dismissed.

(R. G. KETKAR, J.)