

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION ST NO.12672 OF 2017
IN
WRIT PETITION NO.1338 OF 2015**

Union of India

..Petitioner

Vs.

Smt. Lalita V. Mertia

..Respondent

**Mrs. Neeta Masurkar a/w Mr. Rui Rodrigues a/w Ms Rimi Jain for the
Petitioner**

Mr. Sandeep Marne a/w Mr. M. G. Bagkar for the Respondent

CORAM :R. M. SAVANT, &

A.S. GADKARI, JJ

DATE : 20th DECEMBER, 2017

(IN CHAMBER AT 2.45 P.M.)

P.C.

1 By an order passed today in Civil Application No.240 of 2017 the delay in filing the above Review Petition has been condoned. The above Review Petition is taken up for hearing forthwith.

2 The review is sought of the order dated 9-2-2017 passed in the above Writ Petition by a Division Bench of this Court R. M. Borde and A. S. Gadkari JJ. By the said order, the above Writ Petition came to be admitted but interim reliefs came to be refused in view of the judgment of the Apex Court in the matter of **State of Karnataka Vs. M. L. Kesari & Ors.**¹. The review is

¹ (2010) 9 SCC 247

sought on the ground that the said judgment would have no application in the facts and circumstances of the case. The fact that the Review Petitioner who is the original Petitioner was heard at the time of the admission of the Petition and on the aspect of the interim reliefs is not denied by the Learned Counsel appearing for the Review Petitioner.

3 In our view, therefore, no case for review under any of the eventualities mentioned in Order 47 of the CPC is made out. The Review Petition is accordingly dismissed.

4 The Learned Counsel appearing for the Review Petitioner seeks stay of the instant order. It is clear that the Petitioner is aggrieved by the order dated 9-2-2017 of which review is sought, the Petitioner by seeking stay of the instant order is thereby indirectly trying to seek stay of the said order dated 9-2-2017 which cannot be acceded to. The said prayer is accordingly rejected.

[A. S. GADKARI, J]

[R.M.SAVANT, J]