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

**REVIEW PETITION ST. NO.19812 OF 2017**
**IN**
**WRIT PETITION NO.4065 OF 2017**

Jambrabai Laxman Tambe & Ors. ... Petitioners

Vs.

Shri Balasaheb Vishnu Tambe & Ors. … Respondents

Mr.A.P. Deshmukh for the Petitioners
Mr.A.P. Kulkarni i/b T.D. Deshmukh for Resp. No.1

**CORAM: Mrs.MRIDULA BHATKAR, J.**
**DATED: JULY 28, 2017**

**P.C. :**

1. In this review petition, the review of order dated 28.6.2017 passed in Writ Petition No.4065 of 2017 is sought. It is submitted that in the said Writ Petition, the order dated 20.3.2017 passed by the learned District Judge, Khed Rajguru Nagar, Pune was challenged. It was submitted that the learned District Judge by order dated 20.3.2017 has decided two applications i.e., exhibit 5 and also the order of the trial Judge passed below exhibit 29. Exhibit 5 was for interim relief moved by the plaintiff and exhibit 29 was preferred by defendant Nos.3 to 6 i.e., the present petitioners,

seeking injunction that they are in possession of the property and therefore it is not to be disturbed by the plaintiff. The learned District Judge has set aside the order passed by the trial Court and granted interim relief in favour of the plaintiff that the defendants should not create third party interest in the suit property and also held that defendant Nos.3 to 6 i.e., the petitioners, are not in exclusive possession over the suit property.

2. The learned Counsel for the petitioners submitted that in the order under challenge in this review, this Court did not deal with the issue of possession or the relief prayed by the defendants under exhibit 29. It is submitted by the learned Counsel for the petitioners that no finding is given in respect of the order below exhibit 29 by this Court and in the Writ Petition, the order dated 20.3.2017 is challenged, there is an error on the face of the record and therefore, the order dated 28.6.2017 needs to be reviewed.

3. The learned Counsel for the respondents submitted that in paragraphs 6 and 7 of the order dated 28.6.2017, all the submissions in respect of exclusive possession of the defendants i.e., the petitioners are covered and hence, no review is required.

4. Heard submissions. The order dated 20.3.2017 was under challenge in the Writ Petition and the said order was upheld. This Court has given the reasoning for upholding the order. The order was passed in the open Court in the presence of the learned Senior Counsel for the petitioner and the advocate on record as also the learned Counsel for the respondents. At that time, nothing was further submitted by the learned Senior Counsel or the learned Counsel for the petitioners. If at all, the submissions which are made today in the review petition, could have been made immediately by the learned Senior Counsel for the petitioners at the time when the order was passed in the open Court in the presence of both the learned Counsel. No ground is made out for entertaining this review petition under section 115 and Order 47 f the Civil Procedure Code.

5. Review petition is accordingly rejected.

**(MRIDULA BHATKAR, J.)**