IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO. 110 OF 2017
IN
WRIT PETITION NO.6302 OF 2017

Mr. Lakshmikant S. Pownikar
& Another .. Petitioners.
v/s.
Mr. Shriniwas S alias
Sharadchabndra Pownikar & Another .. Respondents.

Mr. Manish Modak with Mr. Rahul D. Motkari, for the Petitioners.
Mr. Mandar Soman, for the Respondents.

CORAM: M.S.SANKLECHA, J.
DATE : 3rd OCTOBER, 2017.
(In chamber)

P.C:-

This Petition seeks a review of the order dated 4th September, 2017 passed by this Court. The ground on which the Review is sought, is that the order dated 16th March, 2017 passed by the Joint Civil Judge, Senior Division, Pune which was a subject matter of the Petition, is an order which is without reasons. This according to the Petitioner, is evident from the fact that after having rejected the Respondent's application under Order VII Rule 11 of the Code of Civil Procedure, 1908 (Code), there was no occasion to frame the preliminary issue under Section 9-A of the Code.

2 The Review Petition does not make out any case for Review as no new facts/ evidence are claimed to have been discovered. Nor any error apparent on the face of the order dated 4th September, 2017 has

been pointed out. The only reason seeking the Review is that, the order dated 4th September, 2017 is incorrect. This cannot be a subject of Review.

3 It was also submitted that the order dated 4th September, 2017 records that '***the impugned order is a possible view***', is an order is without reasons. Therefore, needs to be withdrawn.

4 The Respondents' application was under Order VII Rule 11 of the Code as well as in the alternative under Section 9-A of the Code. It was in the above context that the Trial Court while rejecting the Respondents' application under Order VII Rule 11 of the Code, framed a preliminary issue under Section 9-A of the Code as the interim application taken out by the Petitioner, was pending. Therefore, I held it is a possible view as set out by me in paragraph 3 of the order dated 4th September, 2017.

5 It is to be noted that, I am exercising supervisory jurisdiction under Article 227 of the Constitution of India and not sitting in appeal, over the orders passed by the lower authorities. Therefore, the scope of interference is limited. Thus, when the view taken by the lower authorities is a possible view i.e. not perverse, then no interference under Article 227 of the Constitution of India, is warranted. In the above view, no case for Review of the order dated 4th September, 2017 is made out.

6 At this stage, Mr. Modak, learned Counsel appearing for the Petitioners seek a stay of this order for 15 days. Stay rejected.

(M.S.SANKLECHA,J.)