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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO.3 OF 2017
IN
APPEAL FROM ORDER NO.227 OF 2016

Ramchandra S. Mate & Ors.	...Petitioners
V/s.	
M/s.Serene Developers & Ors.	...Respondents

Mr.S. S. Kanetkar for the Review Petitioners.

Mr.Yashodeep Deshmukh for the Respondent No.1.

Ms.Manjiri S. Parasnis for the Respondent No.3.

CORAM : R.D. DHANUKA, J.
DATE : 27TH APRIL, 2017.

P.C. :-

1. By this review petition, the review petitioners (original respondent nos.1 to 3) seek recall of the order dated 7th December, 2016 passed by this Court in Appeal from Order No.227 of 2016 and seeks that the said order be restricted only against the original appellant in the said appeal (original defendant no.3).

2. A perusal of the order dated 7th December, 2016 passed by this Court indicates that the said Appeal from Order No.227 of 2016 was filed by the original defendant no.3 against the order dated 30th November, 2015 by which an injunction was granted by the

learned trial Judge against the original defendant nos.1 and 3. This Court has made various observations also against the review petitioners herein insofar as the transaction between the review petitioners and the original defendant no.1 is concerned. It is a common ground that the original defendant no.1 has already filed separate appeal *inter-alia* impugning the order dated 30th November, 2015 passed by the learned trial Judge, which is pending.

3. It is thus clear that the order dated 7th December, 2016 passed by this Court allowing the said Appeal from Order No.227 of 2016 would apply only to the appellant in the said appeal and the review petitioners herein. The observations made by this Court, if any, against the review petitioners insofar as the transaction between the review petitioners and the original defendant no.1 are concerned, the said observations cannot be relied upon by the original defendant no.1 in the appeal filed by the original defendant no.1 impugning the order dated 30th November, 2015.

4. It is made clear that this Court has not expressed any views in favour of the original defendant no.1 in the said order or in this order. The appeal filed by the original defendant no.1 can be decided by this Court on its own merits.

5. The order dated 7th December, 2016 is clarified to this extent. It is made clear that the order dated 30th November, 2015 is

set aside only *qua* the original appellant.

6. The review petition is disposed of in aforesaid terms. No order as to costs.

(R.D. DHANUKA, J.)