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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
REVIEW PETITION (L) NO. 1 OF 2017
IN
MISCELLANEOUS PETITION NO. 31 OF 2015
IN
TESTAMENTARY PETITION NO. 429 OF 2005
WITH
NOTICE OF MOTION NO. 37 OF 2017**

Kanchanben Parmanand Shah ...Petitioner

Versus

Mayur Shah & Sudershana Alias Kalpana Shah ...Respondents

Mr S Pilankar, i/b UP Warunjikar & Co., for the Petitioner.
Mr Mayur Shah, with Mrs Sudarshana Shah, Respondents in person.

CORAM: G.S. PATEL, J
DATED: 13th April 2017

PC:-

Notice of Motion No. 37 of 2017:

1. There is a delay of 478 days in filing the Review Petition. The Applicant, Kanchanben Parmanand Shah, is present in Court. She is 89 years old. She is in dire need of finance. The delay is condoned.

2. The Notice of Motion is made absolute.

Review Petition (L) No. 1 of 2017:

3. By consent, the Review Petition is taken on board forthwith. The Respondents are present in Court.

4. Heard Mr Pilankar. No ground is made out under Section 114 of the Code of Civil Procedure 1908 read with Order 47 for a review of the order dated 7th August 2015. There is no error apparent on the face of the record of that order. The same grievances that are dealt with in paragraph 3 of that order are sought to be re-agitated all over again in this Review Petition. Yet again, the Review Petitioner insists that she was not present in Court before RD Dhanuka J on 8th July 2013. This is a controversy that has been previously addressed in the order under review. The order under review also states that the revocation Petitioner's interest would continue to be protected, and I have also clarified in paragraph 4 that the reference in Justice Dhanuka's order is to the amount of Rs. 80,865/- which is to be deposited in the name of the present Review Petitioner.

5. If Mr Pilankar's case is that this amount has been unauthorizedly withdrawn, then his remedy lies elsewhere and not in the guise of a Review Petition. The Review Petitioner is, of course, at liberty to pursue such remedies whatever they may be. Those will be decided on their own merits unaffected by the present order or the order under Review.

6. The Review Petition is dismissed. There will be no order as to costs.

(G. S. PATEL, J.)