

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

REVIEW PETITION NO.40 OF 2017
IN
WRIT PETITION NO.1531 OF 2012

Brihanmumbai Municipal Corporation & Others	 Petitioners (Ori. Respondents)
Vs.	
Arpita A. Kane	 Respondent (Ori. Petitioner)

Mr. Suresh Pakale with Mr. H.C. Pimple for the
Petitioners.

Ms Nayana Pardeshi for the Respondent.

CORAM: S.C. DHARMADHIKARI &
B.P. COLABAWALLA, JJ.

DATE : OCTOBER 06, 2017

P.C:

1. We have heard both sides. We are unable to agree with Mr. Pakale that the order under review suffers from an error of law apparent on the face of the record.

2. A perusal of the review petition would denote as to how an attempt is made to re-argue the case on merits. Though

Mr. Pakale would strenuously urge that the Court has proceeded erroneously to grant relief to the original petitioner/respondent before us, we are not persuaded to accept that argument.

3. The order under review has been passed after noting the facts and circumstances and peculiar to the original petitioner. After noting them as also the stand of the Municipal Corporation, the writ petition was allowed by a detailed order. All the Rules and sub-rules which are now referred in the paragraphs of the review petition have been extensively referred and the order under review is passed. In such circumstances, we cannot accede to the submission that the order under review should be recalled and set aside.

4. As a result of the above discussion, the review petition is dismissed.

(B.P. COLABAWALLA, J.)

(S.C. DHARMADHIKARI, J.)