

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Review Petition (ST) NO. 5437 OF 2018

Smt. Aruna Sadanand Prabhu And Anr	...Petitioners
<i>Versus</i>	
Smt. Vishranti Ganpat Chinderkar And Ors	...Respondents

Mr.Girish Godbole i/b. Mr.D.S.Patil, for the Petitioners.

CORAM : G.S.KULKARNI, J.**DATE : 23 February 2018****P.C. :**

1. Heard learned Counsel for the petitioners. The ground which is being urged to seek a review of the order dated 9 January 2018 passed by this Court is that the applicant had deposited the amount of arrears of rent before the trial Court and thus, the trial Court would not have proceeded to pass the eviction decree.

2. The petitioner is raising this issue for the first time in this review petition. It was admittedly not raised before the trial Court. Further, perusal of the appeal memo as filed in assailing the judgment and order dated 8 May 2009 passed by the trial Court clearly indicates that no such specific ground was taken nor such an issue was argued

before the appellate Court. Further as clearly seen from the argument advanced before this Court which I have noted in paragraph 5 of the order, which is under review, it is clear that such a ground was not urged nor argued to assail the findings of the Courts below. Thus there is no error apparent on the face of the order so as to review and recall the order dated 9 January 2018 passed by this Court in exercise of the review jurisdiction.

3. Accordingly, the review petition is dismissed. No costs.

(G.S.KULKARNI, J.)