

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****REVIEW PETITION (ST) NO. 20166 OF 2018****IN****WRIT PETITION NO. 5051 OF 2018****Siddharth Amit Bhowmik****..... Review Petitioner****VERSUS****Ramesh Shantilal Modi & Ors.****..... Respondents**

Mr.Amit Kumar Bhowmik for the Petitioner.

Mr.G.S.Godbole, I/b. Agasti Vibhute for the Respondent no.1/Original Petitioner in Writ Petition.

Mr.S.D.Rayrikar, A.G.P. for the State – Respondent nos.3 to 5.

CORAM : R.D. DHANUKA, J.**DATE : 18th JULY, 2018****P.C.**

By this review petition, the review petitioner seeks recall of the order and judgment dated 15th June, 2018 passed by this court allowing the Writ Petition No.5051 of 2018 thereby setting aside the order passed by the learned Revenue Minister dated 8th March, 2018 and the learned Additional Commissioner dated 3rd June, 2017. This court had made it clear in the said judgment that this court has not expressed any views on the issue as to whether the petitioners or the respondent no.6 have any right, title or interest of whatsoever nature in the property in question or not and the said issue can be adjudicated upon in the rival suits filed by both the parties.

2. Heard learned counsel for the review petitioner and the original petitioner at length. The order passed by this court is based on the principles of law laid down by various judgments of Hon'ble Supreme

Court and this court. Though this court has repeatedly called upon the learned counsel for the petitioner to point out any error apparent on the face of the order, the learned counsel is unable to point out any error. I have perused the grounds raised in the review petition which would clearly indicate that the petitioner seeks recall of the order and judgment of this court on merits of the reasons recorded by this court which cannot be a ground for seeking recall of the Order 47 Rule 1 of the Code of Civil Procedure, 1908. Review petitioner seeks rehearing of the entire matter on merits which is not permissible. Review petition is thoroughly misconceived and is accordingly dismissed. No order as to costs.

3. At this stage, learned counsel for the petitioner seeks continuation of the interim protection granted by this court which is continued by the Hon'ble Supreme Court till tomorrow for a period of two weeks. The application for stay is vehemently opposed by Mr. Godbole, learned counsel for the original petitioner on the ground that the review petitioner himself has already sold the property to a third party and thus cannot seek continuation of the stay granted by this court.

4. In view of the aforesaid facts, I am not inclined to continue the interim protection granted by this court and continued by the Hon'ble Supreme Court till tomorrow. Application for continuation of the interim protection is accordingly rejected.

[R.D. DHANUKA, J.]