

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION NO. 9 OF 2018
IN
CIVIL REVISION APPLICATION NO. 232 OF 2008

Mr. Natwar Parekh,
P. A. Holder A.R. K. Kumar

...Petitioner

Versus

Mr. Virendra Dhirubhai Shah
And Ors.

...Respondents

....

Mr. Anil Sakhare, Senior Advocate i/b. Yashwant Dhanegave, Advocate for Petitioner.
Mr. Sanjiv Sawant a/w. Mr. Sunil Lahane, Abhishek Deshmukh, Rohan Mahadik i/b.
The Juris Partners, for Respondent No.1.

....

CORAM : R. G. KETKAR, J.

DATE : 6th OCTOBER, 2018

P.C.

1. Heard Mr. Anil Sakhare, learned Senior Counsel for the petitioner and Mr. Sanjiv Sawant, learned counsel for respondent No.1, at length.
2. By this Petition under Section 114 read with Order XLVII Rule 1 of Code of Civil Procedure, 1908 (for short, 'C.P.C.'), the petitioner, hereinafter referred to as the 'plaintiff', has sought review of the order dated 29.6.2018 passed by this Court in C.R.A. No.232/2008. By that order, C.R.A. filed by the defendants No.2A to 2C was allowed and the judgment and decree dated 10.1.2008 passed by the Appellate Bench of the Small Causes Court at Mumbai in Appeal No.414/2003 was set aside. The judgment and decree dated 31.10.2002 of the trial Court was restored and R.A.E. Suit No.923/2487 of 1991 instituted by the plaintiff was dismissed.

3. After hearing the learned Counsel for the parties and after perusing the averments made in the Petition, I do not find that any ground is made out for review of the order. In the case of **Kamlesh Verma Vs. Mayawati, AIR 2013 SC 3301**, the Apex Court has considered the scope of review and has observed thus :

“The jurisdiction and scope of review is not that of an appeal and it can be entertained only if there is an error apparent on the face of the record. An error which is not self-evident and has to be detected by a process of reasoning can hardly be said to be an error apparent on the face of the record justifying the Court to exercise its power of review. A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected, but lies only for patent error. Error contemplated under the rule must be such which is apparent on the face of the record and not an error which has to be fished out and searched. It must be an error of inadvertence. The power of review can be exercised for correction of a mistake but not to substitute a view. The mere possibility of two views on the subject is not a ground for review. Review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order XLVII, Rule 1 of C.P.C. ”

4. Applying the tests laid down by the Apex Court to the facts of the present case, no case is made out. Hence, Review Petition fails and the same is dismissed. Order accordingly.

(R. G. KETKAR, J.)

Deshmane (PS)

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