

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**REVIEW PETITION st. NO.21922 OF 2017
IN
WRIT PETITION No.2856 OF 2017**

Miss Pallavi H. Patil & anr. ... Petitioners

Vs.

Smt.Pratima Chandrashekhar Singh & Ors. ... Respondents

Mr.Vinduprakash Pandey with Vivek Tripathi i/b Legal Edge LLP
for the Petitioner

Mr.Chetan C. Agrawal with Pranav Dhakne for the Respondent
Nos.2 & 3

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: AUGUST 2, 2018**

P.C. :

1. Learned Counsel for the petitioner points out that in the order dated 25.7.2017 in para 5, this Court has observe as follows:

“...This Court cannot go into the legality of the order dated 29th January, 2013 in Chamber Summons No.163 of 2012, as that is not the challenge in the present Petition..... “

2. My attention is drawn to prayer clause (b) of the said petition and it is pointed out that the order dated 29.1.2013 passed in Chamber summons No.163 of 2012 at exhibit O in Suit No.1866 of

2006 was mentioned and the challenge was given to that order and prayer was made that it is to be quashed and set aside.

3. Learned Counsel for the respondent Nos.2 and 3 submits that the order was passed in the open Court where the learned Counsel was present. At that time, this Court has made specific query whether challenge is given to the order dated 29.1.2013. however, as it was answered in the negative, this order is passed and, therefore, review is to be dismissed.

4. On verifying the prayer in the said Writ Petition, it is confirmed in prayer clause (b), the petitioner has prayed that the order dated 29.1.2013 in Chamber Summons No.163 of 2012 is to be quashed and set aside. It is a case of apparent error of fact on record, which squarely falls under Order 47(1). Therefore, to that extent, the observation made by this Court is factually incorrect. The said prayer to this extent in the Writ Petition thus survives and hence, is hereby revived. The Writ Petition shall be heard only to the extent of that prayer. Writ Petition to be listed on 12.9.2018.

5. Review Petition is disposed of accordingly.

(MRIDULA BHATKAR, J.)