

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.22 OF 2018

Chhatrapati Shivaji Kutir Mandal, Mumbai	 Applicant
V/s.	
Saeedabanoo Nizamuddin Khan & Ors.	 Respondents

None for the Applicant.

Mr. Gaurav Mehta, i/by Mr. Govind Mohanty, for Respondent No.2.

Mr. Pradeep M. Patil for Respondent No.4-Municipal Corporation.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 5TH MARCH 2018.

P.C. :

1. None present for the Revision Applicant.
2. Mr. Mehta, learned counsel for Respondent No.2, points out that, the orders, which are challenged in this Revision Application, are of interim nature; that is of re-casting of the issue and deletion of certain issues.
3. Learned counsel for Respondent No.2 also points out that, in view of the Judgment of the Hon'ble Apex Court in the case of *Shiv Shakti Co-operative Housing Society, Nagpur Vs. Swaraj Developers and Ors., (2003) 6 SCC 659*, Revision Application is not maintainable against the impugned order of interim nature. As such, the interim orders are no longer reviewable under Section 115 of the CPC, due to the amendment

of the Proviso, which was, inter alia, deleted the erstwhile Clause 1(b) of the Proviso, by virtue of Civil Procedure Code (Amendment) Act, 1999 (46 of 1999).

4. In view of the above, this Civil Revision Application stands dismissed.

[DR. SHALINI PHANSALKAR-JOSHI, J.]