

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO. 4 OF 2018

IN

CIVIL REVISION APPLICATION NO.351 OF 2009

Darshana M. Doshi

..Petitioner

Vs.

Lokumal K. Chellaram and Others

..Respondents

Mr. Meet Sawant a/w Rajesh S. Patil, for the Petitioner.

Mr. D. M. Vyas I/b Pritesh Vyas, for Respondent Nos.3 to 5.

Mrs Amruta Athavale I/b Rajendra C. Dhuru, for Respondent
Nos. 6 to 8.

CORAM :- B.P.COLABAWALLA, J.

DATE :- APRIL 17, 2018.

(In Chamber)

P. C.:

At the out set the learned counsel appearing on behalf of the Review Petitioner sought two weeks time to file an affidavit in rejoinder to the reply filed on behalf of Respondent Nos.6 to 8. Affidavit in reply was served upon the Review Petitioner as far back as on 26th March, 2018. Instead of

keeping the rejoinder ready, further two weeks time is now sought for filing a rejoinder. This request is therefore rejected especially considering that the contentions raised in the reply are more of a legal nature than a factual one.

2 By this Petition, the Review Petitioner seeks review of the order dated 13th July, 2017. By the order under review, it is recorded that the parties to the above Civil Revision Application have filed Consent Terms and they have surrendered tenancy rights along with vacant possession of the premises involved in the Civil Revision Application. The Applicants admit receiving the possession and the parties confirm and declare that there is no claim of any nature whatsoever against each other in respect of the premises in question. The Consent Terms were signed by the Applicants as well as Respondent partnership firm in the Civil Revision Application through both its partners namely Respondent Nos. 7 and 8 herein. The Consent Terms dated 13th July, 2017 were taken on record and marked "X" for identification and the Civil Revision Application was disposed of in terms of the

Consent Terms.

3 I fail to see how the Review Petitioner who was admittedly not a party either before the Trial Court or in the Civil Revision Application could file the present Review Petition. It is also undisputed that the Review Petitioner was never the partner of Respondent No.6 firm. The Review Petitioner at the highest is a legal heir of the deceased Manilal, who according to Respondent Nos. 7 and 8, left the partnership some time in the year 1979. This fact, however, is disputed by the Review Petitioner. Be that as it may, I find that this Review Petition is wholly misconceived and is dismissed with liberty to the Petitioner to take out appropriate proceedings in law, if so advised.

(B. P. COLABAWALLA, J.)