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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

REVIEW PETITION (L) NO. 8 OF 2018

IN

CHAMBER SUMMONS NO. 1051 OF 2009

IN

EXECUTION APPLICATION NO. 198 OF 2009

Jitendra Gopaldas Bhatia & Anr ...Petitioners
In the matter between
Jitendra Gopaldas Bhatia & Anr ...Claimants
Versus
Shiv Kumar Jatia & Ors ...Respondents

Mr Mayur Khandeparkar, *with Mr Umesh Tiwari, Mr M Mandhane & Ms Hetal V, i/b S Ashwinikumar & Company, for the Petitioner.*
Mr Vishal Kanade, *i/b Amarchand & Mangaldas & Company, for the Respondent.*

CORAM: G.S. PATEL, J
DATED: 16th July 2018

PC:-

1. Heard. The Petition is misconceived. After I passed an order of 1st March 2018 on a Chamber Summons filed by the present Review Petitioner, comes this Review Petition seeking, for all intents and purposes, a second bite at the same, by now thoroughly masticated, cherry.

2. What the Review Petitioners sought then, and which they seek again now, is that I should virtually rewrite an order of 18th September 2009 of Dr DY Chandrachud J (as he then was) in Chamber Summons No. 1051 of 2009. I dismissed that Chamber Summons on 1st March 2018. Now comes this Review Petition seeking a review of that very order of 18th September 2009, saying that the learned Judge made an error, the consequence of which is that the Review Petitioner's decree remains unsatisfied to the extent of Rs.50 lakhs. That furnishes no ground. Many decree remains unsatisfied, and there is no law that says that every decree must be satisfied no matter what. The law, indeed, requires the decree holder to be vigilant and timely in execution of the decree (hence, Order XXI Rule 22).

3. In my order of 1st March 2018, I said that the Chamber Summons I was then considering was a bit of latter-day cleverness, one that came up only eight years after the event. That is true too of this Review Petition.

4. In addition it must be noted that Dr Chandrachud J's order was carried in Appeal No. 149 of 2010. On 2nd April 2012, the present Review Petitioners withdrew the Appeal unconditionally. That order is reproduced below:

> 1. Learned counsel appearing for the Appellants states that the Appellants would like to withdraw this appeal by

> accepting the judgment of the learned Single Judge with a liberty to take appropriate remedy with the Income Tax Department as permissible in law.
>
> 2. The appeal is disposed of as withdrawn. It is clarified that we are not expressing any opinion on the merits of the appeal, except allowing the Appellants to withdraw the appeal unconditionally.

5. In this view of the matter, there is absolutely no scope whatsoever for a review as sought. There is no error on the face of the record.

6. The Review Petition is dismissed. No costs.

(G. S. PATEL, J)