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

**REVIEW PETITION (ST) NO.1029 OF 2019
IN
APPEAL FROM ORDER NO.308 OF 2018**

Ismail Jahangir Sudagar ... Appellant.

V/s.

Mohammed Latiff Janmohammed
Khan ... Respondent

Mr. R. A. Thorat, Senior Advocate i/by V. Y. D'silva a/w
S.P. Chavan, for the appellant.

Mr. Sanjeev Savant a/w A. P. Deshmukh, for respondent .

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 15th JANUARY, 2019.

P.C. :

1] Heard learned counsel for the Appellant and Respondents.

2] The petitioner has filed this review petition for review of the order dated 3rd December, 2016, passed by this Court; whereby Appeal No.308 of 2016, came to be dismissed alongwith Civil Application No.403 of 2016.

3] It is submitted that at the time of hearing of the appeal, the petitioner has categorically advanced the submission that according to respondent No.1-plaintiff himself, he was dispossessed from the suit premises on 12th October, 2005 as per the averments made in Criminal Writ Petition No.4543 of 2015 and this fact was

suppressed in the suit. It is urged this very fact was sufficient to deny the interim relief to the plaintiff.

4] However, the perusal of the order passed by this Court goes to show that in paragraph No.7 of the order, this court has considered this submission and thereafter rejected the same.

5] In view thereof, this Court in the scope of review petition, cannot reconsider the said submission.

6] The Review Petition, therefore, stands dismissed.

7] At this stage, learned counsel for the petitioner submits that this Court has stayed it's own order for a period of six weeks, the said period has expired yesterday and hence stay be extended for further period of two weeks.

8] However, considering that already sufficient time was given, no case is made out for extension of stay.

9] The next request made by learned counsel for the petitioner is that the hearing of the suit be expedited. Considering the controversy involved in the matter, this request appears to be fair one and therefore, the hearing of the suit pending before the trial Court is expedited.

[DR.SHALINI PHANSALKAR-JOSHI, J.]