

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO.77 OF 2019
IN
WRIT PETITION NO.12328 OF 2016

Mahindra & Mahindra Limited Petitioner
Vs.
The State of Maharashtra & Anr. Respondents

Mr. Darius Shroff with Mr. Rajan Mishra i/by
Mr. Vaibhav Patankar for the Petitioner.
Mr. V.A. Sonpal, Special Counsel with Mr. B.V.
Samant, AGP, for Respondent Nos.1 & 2.

CORAM: S.C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.

DATE : OCTOBER 11, 2019

P.C:

1. Having heard Mr. Shroff, learned Senior Counsel appearing for the petitioner, we find that the review petition is nothing but an appeal against the order under review.

2. The jurisdiction of review and appeal are distinct. In appeal, one can raise and agitate grounds (A) to (D) of this review petition. They are in the nature of grounds of appeal against the order under review. Both jurisdictions cannot be confused. They do not mean one and the same thing. The power of review is extremely limited within the parameters laid down by Section 114 of the Code of Civil Procedure, 1908 r/w

Order 47 Rule 1 thereof, which parameters are also applicable while considering the review petition seeking review of a Judgment and Order delivered on a writ petition under Article 226 of the Constitution of India. We do not think that this review petition can be entertained.

3. No opportunity can be taken by the same Bench which rendered the Judgment and Order under review to revisit the factual findings based on which the ultimate order and direction is issued. The review petition is, therefore, entirely misconceived and is dismissed.

(SMT. BHARATI H. DANGRE, J.)

(S.C. DHARMADHIKARI, J.)