

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION NO.1 OF 2019
IN
CIVIL REVISION APPLICATION NO.341 OF 2018

Kusum Kumari Singh ... Petitioner
Vs.
Sunder Chetandas Jagasia and others ... Respondents

Mr. N. R. Pradhan i/b. Mr. Anil D. Mankar for Petitioner.

CORAM : R. G. KETKAR, J.
DATE : MARCH 6, 2019

P.C. :

Heard Mr. Pradhan, learned Counsel for the petitioner at length.

2. By this Petition under Section 114 read with Order XLVII, Rule 1 of the Code of Civil Procedure, 1908 (for short 'C.P.C.'), petitioner has sought review of the order dated 21.09.2018 passed by this Court in C.R.A.No.341 of 2018. By that order, this Court dismissed the C.R.A. preferred by the petitioner and confirmed the judgment and decree dated 20.10.2011 passed by the learned Judge, Court Room No.10 of the Court of Small Causes at Mumbai in R.A.E.Suit No.234/336 of 2006 as also the judgment and decree dated 31.01.2018 passed by the Appellate Bench of the Court of Small Causes at Mumbai in A-1 Appeal No.2 of 2012.

3. In support of this Review Petition, Mr. Pradhan submitted that the order under review suffers from several errors of law apparent on the face of record. The order leads to miscarriage of justice and several mistakes of law have been made while passing the order dated 21.09.2018. He has taken me through the order under review and submitted that the order deserves to be recalled thereby restoring C.R.A.

to its original position.

4. In the case of ***Kamlesh Verma Vs. Mayawati***, AIR 2013 SC 3301, the Apex Court while considering scope of review has observed thus,

“The jurisdiction and scope of review is not that of an appeal and it can be entertained only if there is an error apparent on the face of the record. An error which is not self-evident and has to be detected by a process of reasoning can hardly be said to be an error apparent on the face of the record justifying the Court to exercise its power of review. A review is by no means an appeal in disguise whereby an erroneous decision is re-heard and corrected, but lies only for patent error. Error contemplated under the rule must be such which is apparent on the face of the record and not an error which has to be fished out and searched. It must be an error of inadvertence. The power of review can be exercised for correction of a mistake but not to substitute a view.”

5. Applying the principles laid down by the Apex Court in ***Kamlesh Verma*** (*supra*) and after perusing the impugned order under review, I do not find that any ground is made out for reviewing the order. Hence, Review Petition fails and the same is dismissed.

(R. G. KETKAR, J.)

Minal Parab