

Pradnya Bhogale

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**REVIEW PETITION (L) NO. 23 OF 2019
IN
APPEAL NO. 267 OF 2019
IN
ARBITRATION PETITION NO. 1106 OF 2013
WITH
INTERIM APPLICATION NO. 1 OF 2020**

Heart & Soul Entertainment Ltd. ..Petitioner
vs.
Deepak S. Bahry ..Respondent

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Utkarsha Shukla I/b. C.K. Tripathi for Petitioner.
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**CORAM : NITIN JAMDAR &
M.S.KARNIK, JJ.**

DATE : 6 MARCH 2020

P.C.:-

The Review Petition is filed to review the order dated 2 May 2019 passed by the Division Bench (Pradeep Nandrajog, CJ and Nitin Jamdar, J.) dismissing the Appeal No.267 of 2019 arising from Arbitration Petition No.1106 of 2013. During the hearing of the Appeal the Appellant was present and by a reasoned order the Appeal was dismissed.

2. Review Petition was filed on 20 May 2019, however the same was not circulated. It was listed before the Prothonotary and Senior Master, on 17 January 2020 for removal of office objections since the office objections were not removed. The office endorsement shows that the objections were removed on 22 November 2019. An Interim Application was taken out on 21 February 2020. The Interim Application was filed for condonation of delay. In the meanwhile, the Petitioner had filed a Special Leave Petition which was dismissed by the Supreme Court on 21 October 2019. A praecipe for Review Petition was moved on 24 February 2020 seeking urgent circulation, the date of 24 February 2020 is of significance since the learned Chief Justice demitted office on retirement, on 23 February 2020.

3. Therefore from 2 May 2019 till 24 February 2020 when the original composition of the Bench was available the Petitioner did not move the Review. In the Interim Application for condonation of delay the only reason that is given is after the dismissal of Special Leave Petition the Petitioner was advised to pursue the Review. We do not find the conduct of the Petitioner in filing the Review, keeping it pending and circulating on 24 February 2020 is bonafide.

4. Furthermore there is no merit in the Review. The Review is filed on the ground that the impugned order is

incorrect. That an order is incorrect is not a ground for review. The order of the Supreme Court shows that the Petitioner himself appeared before the Supreme Court and the Supreme Court found no ground to interfere with the impugned order.

5. In these circumstances, both the Interim Application and the Review Petition are dismissed.

(M.S.KARNIK, J.)

(NITIN JAMDAR, J.)