

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 3089 OF 2021**

Archon Readymix Concrete Pvt. Ltd. & Ors.Petitioners.

Vs.

Smt Vidyawati Parasnath Singh & Anr.Respondents.

Mr. R.A. Thorat i/by Mr. Kishor Patil for the Petitioner.
None for the Respondents.

CORAM : A. S. GADKARI, J.
DATE : 19th JULY, 2021.
(Through Video Conferencing)

PC:-

The impugned Order dated 5th December, 2020 passed in Review Application No.5 of 2019 by the Judge, C.R. No.26, Court of Small Causes at Mumbai, thereby seeking Review of Judgment and Order dated 21st November, 2018 passed in L.E. & C. Suit No.163/199 of 2012 is legally tenable, as the Trial Court did not have jurisdiction to review its own Judgment and Decree passed under the provisions of the Provincial Small Cause Courts Act.

The Petitioners are having remedy of preferring a substantive Appeal before the Appellate Bench of the Small Causes Court.

2 As the Trial Court has rejected the said Review Application on the ground of maintainability before it, this Court finds that, the Order is

legally tenable and no interference is necessary by this Court under Article 227 of the Constitution of India.

3 Writ Petition is accordingly dismissed by reserving the liberty in favour of the Petitioners, to challenge the said Judgment and Order dated 21st November, 2018 passed in L.E. & C. Suit No.163/199 of 2012 before the Appellate Bench of the Small Causes Court.

4 It is needless to mention that, the Appellate Court while considering the Application for condonation of delay in preferring the Appeal, will consider the time spent by the Petitioners in pursuing Review Application No.5 of 2019 and the present Petition before this Court, as contemplated under Section 14 of the Limitation Act.

(A.S. GADKARI, J.)