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

**REVIEW PETITION NO. 85 OF 2021
IN
WRIT PETITION NO. 1823 OF 2019**

The Commissioner,
Thane Municipal Corporation and Ors.

... Petitioners

Versus

Smt. Lalita Yashwant Jadhav

... Respondent

Mr. R. S. Apte, Senior Advocate i/by Mr. Mandar Limaye for the
Petitioners in Review Petition.

Mrs. P. J. Gavhane, AGP for the State-Respondent.

**CORAM: R. D. DHANUKA AND
R. I. CHAGLA, JJ.**

**DATE : 9th FEBRUARY, 2022
(Through Video Conference)**

P.C. :-

. Mr. Apte, learned senior counsel for the review petitioners tenders draft amendment. Leave to amend is granted to carry out amendments in the averments made in the review petition. Amendment to be carried out within one week from today and shall serve a copy thereof upon the respondents' advocate simultaneously. We have heard the learned senior counsel for the review petitioners and the learned counsel for the original petitioner.

2. Mr. Apte, learned senior counsel for the petitioner submits that the day on which the order dated 4th August, 2021 under review was

passed by this Court allowing the review petition filed by the review petitioners, various representations filed by the review petitioners and more particularly dated 28th October, 2016, 12th April, 2017, 3rd April, 2018 and 30th June, 2018 contemplated under Section 24(4) of the Bombay Primary Education Act, 1947 were pending. He submits that this Court thus could not have made observations in paragraph 6 of the said order that the review petitioners did not challenge the two orders which were the subject matter of the said review petitions till the date of disposal of the said writ petition.

3. The review petitioner did not urge this issue before this Court when the matter was heard by this Court on 4th August, 2021 though had appeared and argued the matter before this Court.

4. Be that as it may, review petitioners seek to argue across the bar in this review petition on merits of the said order dated 4th August, 2021 which is not permissible under Order VII Rule 11 of the Code of Civil Procedure, 1908. There is no merit in the review petition filed by the review petitioners.

5. Review Petition is misconceived and is accordingly dismissed. There shall be no order as to costs.

[R. I. CHAGLA, J.]

[R. D. DHANUKA, J.]