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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
REVIEW PETITION NO. 39 OF 2021
IN
WRIT PETITION NO. 2641 OF 2018**

Rambo Fashion Ltd.

.. Petitioner

Vs.

Board of Directors
State Bank of India & Ors.

.. Respondents

Mr. Mathews J. Nedumpara a/w Hemali Kurne a/w Sharad Koli and Shameem Fayiz for petitioner.

Mr. Rakesh Singh a/w Ms. Heena Shaikh i/by M. V. Kini & Co. for respondent nos. 1 to 4.

Mr. Shamrao B. Gore for respondent no.5/State.

Mr. Arnav Misra and Mihir Mody i/by K. Ashar & Co. for respondent no.6/RBI.

Mr. R. V. Govilkar a/w Shaba N. Khan i/by Ashutosh Misra for respondent nos.7 and 8/UoI.

**CORAM: DIPANKAR DATTA, CJ. &
M. S. KARNIK, J.**

DATE : DECEMBER 2, 2022

P.C.:

1. This is an application for review of our order dated 9th September, 2021 dismissing Writ Petition No. 2641 of 2018, *inter alia*, on the ground that the petitioner having approached the jurisdictional Debts Recovery Tribunal under section 17 of the Securitisation and Reconstruction of

Financial Assets and Enforcement of Security Interest Act, 2022 (hereafter “the SARFAESI Act”, for short) and having invoked the writ jurisdiction of this Court when such proceedings were pending, it was a clear case of pursuing the writ remedy as a parallel remedy.

2. While dismissing the writ petition, this Court had encouraged the Tribunal to deal with the proceedings under section 17 of the SARFAESI Act without being influenced by any observations made in the said order.

3. The only grievance of Mr. Nedumpara, learned advocate appearing for the petitioner, is with regard to the contents of paragraph 14 of the order under review. He submits that as would be evident from a bare reading of the said paragraph, the same were not dictated in open Court but was included subsequently at the time the Court was editing the order.

4. Mr. Nedumpara is absolutely right on facts that contents of paragraph 14 were not dictated in open court proceedings. He submits that such a course of action is not permissible in view of the decision of the Supreme Court in **Surendra Singh & Ors. vs. State of Uttar Pradesh**, reported in AIR 1954 SC 194.

5. We, however, do not agree that while revising an order dictated in Court, the same cannot be perfected in chambers by supplying an additional reason in support of the ultimate conclusion but without changing such conclusion.

6. The decision in **Surendra Singh** (supra) has been

considered by the Supreme Court in its subsequent decision in **Vinod Kumar Singh vs. Banaras Hindu University & Ors.**, reported in AIR 1988 SC 371. Referring to Order XX Rule 3 of the Civil Procedure Code, 1908, it has been held that the same permits additions to or alterations in a judgment so long it is not signed. However, if the conclusion is to be changed, the matter must be brought before the Court for a rehearing of the parties.

7. In our considered view, deletion of the contents of paragraph 14 of the order would not affect the ultimate conclusion reached by us that the writ petition did not merit to be entertained. However, for the satisfaction of Mr. Nedumpara, we direct deletion of paragraph 14 of the order under review.

8. With the aforesaid observation, the review petition stands dismissed. No costs.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)

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