

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

**REVIEW PETITION NO.1 OF 2023
IN
CIVIL APPLICATION NO.387 OF 2019
IN
CIVIL REVISION APPLICATION NO.414 OF 2022**

Anshu Rameshchandra Dhuriya ..Petitioner

IN THE MATTER BETWEEN

Gulabi Devi Rameshchandra Dhuriya & Anr. ..Applicants

Versus

Narayan B. Patel ..Respondent

Mr. Rameshkumar R. Tiwari, for the Petitioner.
None for the Respondent.

CORAM : NITIN W. SAMBRE, J.

DATE : 2nd MARCH, 2023

PC.

1. The review is sought of the order dated 10th August, 2022 passed in Civil Application No.387 of 2019, wherein prayer of the applicant seeking stay to the judgment dated 20th March, 2017 passed in Appeal No.135 of 2010 was made subject to payment of cost of Rs.1,00,000/- by the lower Appellate Court.

2. Counsel for the petitioner submits that aforesaid order warrants reconsideration as the Appellate Court has no power to

direct the payment of cost.

3. Apart from the fact that above contention was never canvassed at the time of passing order under review, opportunity was granted to the applicant to deposit cost in view of submissions made before this court. That being so, no error could be noticed in the order impugned which warrants exercise of review jurisdiction.

4. The Review Petition as such stands rejected.

[NITIN W. SAMBRE, J.]