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**IN THE HIGH COURT OF BOMBAY AT GOA**

**CIVIL APPLICATION (REVIEW) NO.10/2023  
IN  
MISC. CIVIL APPLICATION No.176/2022**

**FILOMENA SALDANHA AND ... APPLICANTS  
ANR.**

***Versus***

**SUNIL KOHLI, REP. BY POA,  
NAVAL BOWRY AND ANR. ... RESPONDENTS**

Mr Sylvester Antonio Cotta, Advocate for Applicant No.1.  
Mr Parikshit Sawant, Advocate for Applicant No.2 (the review  
petitioner).  
Mr G. Agni h/f Mr A. R. Kantak, Advocate for Respondent No.1.  
Mr Ivan Santimano h/f Mr Zeller D'Souza, Advocate for  
Respondent No.2.

**CORAM: M. S. SONAK, J.**

**DATED: 18<sup>th</sup> JANUARY 2024**

**P.C.:**

1. Heard Mr Parikshit Sawant for the review petitioner (original petitioner in WP No.157/2019).
2. Original Writ Petition No.157/2019 was disposed of by order dated 02.03.2022 by a Coordinate Bench comprising Manish Pitale, J. After two months, i.e. on 14.04.2022 Misc. Civil Application No.176/2022 for speaking to the minutes of the order dated 02.03.2022 was filed by original respondent no.1.

Though this application was filed within two months, the same was not circulated before Manish Pitale, J.

3. Misc. Civil Application No.176/2022 for speaking to the minutes was ultimately disposed of by order dated 28.02.2023 by another Coordinate Bench comprising B. P. Colabawala, J.

4. This review petition was filed on 21.03.2023 but again, the same was not circulated before the Coordinate Bench comprising B. P. Colabawala, J. This has today come up before me for consideration.

5. There is no satisfactory answer as to why this review petition was not immediately filed or in any case immediately circulated when the Coordinate Bench comprising B. P. Colabawala, J. was available. Matters like review or speaking to the minutes must be filed and circulated at the earliest so that they can be considered by the same Bench which may have made the original orders.

6. Today, in this review petition, Mr Sawant argues that the original order dated 02.03.2022 made by Manish Pitale, J. had categorically referred to the plan which in turn, was referred to in the Judgment and Order dated 03.07.2015 made by the Director of Panchayats. He points out that in Misc. Civil Application No.176/2022, while speaking to the minutes of the order dated 02.03.2022, the Coordinate Bench comprising of B. P. Colabawala, J. has now clarified that access is to be provided in terms of the plan which was taken on record by this Court on

27.01.2022 and marked 'X' for identification. He says that this amounts to an error apparent on the face of record.

7. In this review petition, the review petitioner virtually invites this Court to go into what actually transpired before the two Coordinate Benches. As noted earlier, there is no explanation as to why such matters were not immediately agitated when the Benches were very much available. Besides, it is not as if Order dated 28.02.2023 for speaking to the minutes was passed without grant of opportunity of hearing to the review petitioner. The review petitioner was heard through a counsel. The contentions raised on behalf of the review petitioner have also been noted and considered. In these circumstances, it is difficult to hold that any case is made out for exercise of review jurisdiction. The review jurisdiction is extremely limited and cannot, in my judgment, be exercised in such circumstances.

8. For the above reasons this review petition is dismissed. There shall be no order for costs.

**M. S. SONAK, J.**

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