

Nikita

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

**REVIEW PETITION NO.59 OF 2024
WITH
INTERIM APPLICATION NO.8513 OF 2024
IN
WRIT PETITION NO.3869 OF 2024**

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Arvind Virji Gala ... Petitioner

V/s.

Chief Executive Officer Slum
Rehabilitation Authority and Ors. ... Respondents

Mr. Swapnil Bangur a/w Mr. Bhavik Lalan a/w Ms.
Preeti Gada a/w Ms. Vanshika Mahajan for the
Petitioner-Applicant.

Mr. Yogesh Patil i/b Mr. Vijay Patil, for Respondent Nos.
1 and 2 (SRA).

Mr. J. G. Aradwad (Reddy) a/w Ms. Ashwini Jadhav for
Respondent No.6 (AGRC).

Mr. Prashant P. Kulkarni a/w Ms. Rachna Mamnani a/w
Ms. Amita Parab for Respondent No.3.

CORAM : AMIT BORKAR, J.

DATED : MAY 7, 2024

P.C.:

1. The petitioner has filed present review petition on two grounds. First is that, on the date of passing of order, the petitioner was not having possession of crucial documents which has effect of ousting jurisdiction of Apex Grievance Redressal Committee. Even

otherwise, the Competent Authority under Section 33 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 had no power of petitioner's eviction as the parties were already put in possession of the property and parties have sold the property.

2. The first submission made on behalf of the petitioner is that the crucial documents were not available with the petitioner on the date of passing of order. Such argument cannot be made in review petition as the scope of the review petition is to ascertain whether such order suffers from error apparent on the face of record. Parameters for exercise of review jurisdiction have been laid down by the Apex Court in the case of **Haridas Das Vs. Smt. Usha Rani Banik and Ors.** reported in 2006 (4) SCC 78. The Apex Court has held that the error apparent on the face of record is such error which strikes just by looking at the order and which does not require long drawn process of reasoning. It is also held that seeking review on the ground that petitioner had not highlighted all aspects of the case or could have argued more forcefully or cited binding precedents to get favourable judgment is not permissible. To adjudicate on the issues raised by the petitioner, it would be necessary to reconsider the petition on merits and would be required to consider material which was not placed before this Court at the time of passing of order under review which is impermissible in review jurisdiction.

3. Insofar as the second ground is concerned, such argument was not made before this Court while passing the order. Based on

submissions made by the parties, this Court adjudicated rights of the parties. If the argument which is now made by the petitioner was available to the petitioner on the date of passing of order and such argument is not referred or considered by the Court in the order, this will not constitute error on the face of record contemplated Order 47 Rule 1 of the CPC.

4. Hence, review petition is dismissed. No costs.

5. Since, the ad-interim relief granted by this Court is not on merits, no case for extension is made out.

6. In view of dismissal of review petition the interim applications stands disposed of.

(AMIT BORKAR, J.)