

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO. 9 OF 2024

IN

CIVIL REVISION APPLICATION NO. 173 OF 2024

Mr. Mahadev Vithoba Shinde and Ors.

.... **Applicants**

: Versus :

Mr. Shiv Prasad Ram Khilawan Gupta

.... **Respondent**

Mr. Ditendra Mishra a/w. *Mr. Vijay Thakur i/by. Thakur & Associates, for the Applicants.*

Mr. Shreeram Redij a/w. *Mr. Santosh Musale, for the Respondent.*

CORAM : SANDEEP V. MARNE, J.

Date : 25 September 2024.

P.C. :

1) I have heard the learned counsel appearing for the Review Petitioner in support of the Review Petition.

2) After considering the submissions canvassed by him, no error apparent on the face of the record is pointed out in the order under review. It is sought to be canvassed that the third bailiff report dated 27 September 2013 is not a valid report and doubts are sought to be expressed about the genuineness of the said report only on account of the fact that the declaration in respect of the said report is

subsequently made on 21 July 2013. Apart from the fact that this issue was not argued before me when the order under review was passed, I do not see any illegality in the report of the bailiff only on account of difference in the date of visit and the date of declaration. The same position appears to be in respect of the second bailiff's report dated 4 July 2013 as well. Mr. Mishra, has attempted to impress upon me that the property being slum, an opportunity needs to be given to the Applicants to prove their defence. I am afraid these contentions cannot be raised in Review Petition. The Review Petition is argued before me as if the same is an Appeal in disguise. In absence of any error apparent on the face of record in the order under review, the petition cannot be entertained. The Review Petition is accordingly rejected.

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[SANDEEP V. MARNE, J.]