

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

REVIEW PETITION (STAMP) NO.28490 OF 2024

Gurmit Singh Thukral
V/S

....Petitioner

Omkarsingh Bashamber Singh Kalra
since deceased through L.Rs & Anr.

....Respondents

Mr. Omprakash Pandey a/w Ms. Pramila Prajapati and
Mr. Alok Singh *for the Petitioner.*

Mr. Mohan Bir Singh a/w Mr. Rahul Jalan i/b Mr. Chintan
Shah *for Respondents.*

**CORAM: SANDEEP V. MARNE, J.
DATE : 07 OCTOBER 2024.**

P.C.:

1. This Petition is filed seeking review of the order dated 23 July 2024. Firstly it is observed that the Review Petitioner has changed the advocate while filing the Review Petition. The Civil Revision Application was filed and argued by different set of advocates than the advocate who has filed and has argued the present Review Petition.

2. The contention of the learned counsel appearing for the Review Petitioner is that Award dated 2 November 1985 was

suppressed by the Plaintiff right throughout the litigation. According to him, as per the said Award, the concerned flat came to the share of the Defendant's mother. This contention, sought to be raised for the first time in the Review Petition appears to be directly contradictory to the stand taken by the Defendant in his Written Statement that the suit flat was owned by Plaintiff's father and that the Plaintiff's father had permitted the Defendant and his wife to occupy the suit premises. Petitioner cannot be permitted to take a stand contrary to what was stated in the Written Statement that too at the stage of Review Petition filed before this Court. In my view therefore, no case is made out for entertaining the Review Petition. Review Petition is accordingly **rejected**.

(SANDEEP V. MARNE, J.)

SUDARSHAN
RAJALINGAM
KATKAM
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by SUDARSHAN
RAJALINGAM
KATKAM
Date: 2024.10.21
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Note: Corrected as per speaking to the minutes order dated 21 October 2024.