

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

**CIVIL REVIEW PETITION NO. 30 OF 2025
IN
WRIT PETITION NO. 18398 OF 2024**

Muzdmml Shafi Shaikh

...Petitioner

vs.

Sanjeev Preetam Chhugani

...Respondent

Mr. Haaris Koradia i/by Sujit Lahoti and Associates	Advocate for the Petitioner in Review Petition and Respondent No. 2 in WP No. 18398 of 2024
Mr. Sagar Kursija a/w Mr. Ronak Utgikar	Advocate for the Respondent in RPW 30 of 2025 and Petitioner in WP No. 18398 of 2024

CORAM : S. M. MODAK, J.

**DATE : 12th FEBRUARY 2025
(IN CHAMBER)**

P. C. :-

1. Heard learned Advocate Shri Koradia for review Petitioner/ Judgment debtor-Muzdmml and also heard learned Advocate for the Respondent -Decree holder-Preetam.

2. This review petition is filed solely on the ground that the present Respondent, who is Petitioner in disposed of Civil Writ Petition No. 18398 of 2024 has made the misleading statement. The allegation is

statement pertains to finality being attached to the Civil suit which was filed before the Court of Civil Judge, Senior Division. He has invited my attention to submission, “*there is submission that it has attained finality*”, in paragraph no. 5 of the order dated 17.12.2024. It is not correct. He invited my attention to the following documents:-

- (a) The order dated 24.01.2023 passed by the Division Bench of this Court in Interim Application No. 79 of 2022 in First Appeal No. 20 of 2022, on page no. 57 of the compilation tendered by the learned Advocate for the Respondent No. 1. By the said order, certain condition to deposit the amount was imposed. Stay is granted as per order dated 11.01.2022.
- (b) There is Special Leave Petition filed before the Hon’ble Supreme Court. It was dismissed for non removal of office objection and Miscellaneous application is filed for its restoration, and it is pending. The connected papers are on page no. 16 of the application.

3. For these reasons, he submitted that the dispute has not attained finality and that is how wrong statement has made on behalf of the Respondent No. 1 when this Court has passed an order dated

17.12.2024.

4. Learned Advocate for the Respondent No. 1 has placed on record certain subsequent development. The Executing Court has dismissed the application under Order 21 Rule 97 and issued a possession warrant as per order dated 23.01.2024. Its copy is tendered and it is taken on record and marked as 'Annexure-X'. Though it is submitted that the possession warrant is executed, for want of instructions, learned Advocate for the Petitioner is unable to make a submission.

5. In fact, this review petition could have been decided. However, learned Advocate for the Respondent No. 1 sought time because his Senior is held up at Delhi and short notice is given to him.

6. In view of that matter be kept on **21st February 2025 at 2.15 p.m..**

7. The Respondent, if wants, he can file a reply by serving a copy on the Petitioner in advance. On that date, this review petition will be heard and finally disposed of.

[S. M. MODAK, J.]