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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO. 53 OF 2025
IN
WRIT PETITION NO. 701 OF 2024

Galaxy Promoters and Builders .. Petitioner
Versus
Mahendra Narsingh Loankar and Ors. .. Respondents

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• Mr. Anwar Shaikh, Advocate for Review Petitioner.

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CORAM : MILIND N. JADHAV, J.
DATE : APRIL 16, 2025.

P.C.:

1. Heard Mr. Shaikh, learned Advocate for Review Petitioner.
2. Present Review Petition is filed for seeking review of the order dated 01.02.2024 passed by this Court while disposing of Civil Writ Petition No.701 of 2024. The said order is appended at Exhibit “B” – page No.16 of the Review Petition.
3. By virtue of that order, original impugned order passed by the learned Trial Court dated 30.10.2023 was upheld by this Court on the ground that the said order was a well reasoned order passed by the Trial Court, *inter alia*, pertaining to considering the right of impleadment of Review Petitioner as sought for therein.

4. Review Petitioner before me challenged the said order before the Supreme Court in SLP (Civil) Diary No.(s) No.43725 of 2024, however the SLP was allowed to be withdrawn at the request of the Review Petitioner as Review Petitioner desired to approach this Court and the SLP was accordingly dismissed as withdrawn. Hence, the present Review Petition.

5. Mr. Shaikh, learned Advocate for Review Petitioner would submit that Review Petitioner has a substantive right in the suit property and therefore his impleadment Application has been incorrectly rejected. The issue agitated by the learned Advocate has been adequately dealt with by me in my reasoned order dated 01.02.2024 and it does not require reiteration. In paragraph No.8 substantive reason for upholding the Trial Court's order for non-impleadment of the Review Petitioner has been given by the Court which goes to the root of the matter.

6. That apart, in paragraph No.9 of the order dated 01.02.2024 right of Review Petitioner has been noted by the Court. However, in so far as subject matter of the *lis* between parties to the civil suit is concerned, finding returned in paragraph No.9 is *prima facie* unassailable as being answered by the Court therein. Substantive right of the Review Petitioner is kept open to agitate in the Civil Court having Original Civil Jurisdiction strictly in accordance with law.

7. There is no error apparent on the face of record in the order dated 01.02.2024. Resultantly, Review Petition is not maintainable and it stands dismissed.

[MILIND N. JADHAV, J.]

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