

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

Review Petition No. 124 of 2025
In
Writ Petition No. 17868 of 2024
With
Interim Application No.10662 of 2025
In
Review Petition No. 124 of 2025

Sunita Rajkumar Bafna ... Petitioner
V/s.
Rishabh Subhash Talera and others ... Respondents

Mr. Apoorv Joshi	Advocate for the Review Petitioner.
Mr. Nitin Deshpande	Advocate for the Respondents.

CORAM : S.M. MODAK, J

DATE : 19th September 2025.

P.C. :

Heard learned Advocate for the review petitioner and learned Advocate for the Respondents.

2. This application is for reviewing the order dated 11th December 2024. For the circumstances mentioned below and the reason, I am disposing of the review petition:-

- A) When I passed the order on 11th December 2024 in Writ Petition No.17868/2024, submission was made on behalf of the Petitioner therein that the suit is not restored. That is why liberty was granted to the Petitioner to file reply to Misc. Application for restoration. However, by way of this review petition, the learned Advocate pointed out that in fact the suit was already restored as per the order dated 21st December 2023. The order is reproduced below.

“ As per order Hon’ble Supreme Court in petition for Special leave to Appeal No.13947/2015. Suit is restored. Hence, issue notice to all parties.”

According to Mr. Deshpande, no such direction is given by Hon’ble Supreme Court and while passing the said order, his client was not heard and in view of that it is not the case of concealing the fact from this Court while arguing the matter on 11th December 2024.

- B) Second objection is already the present review petitioner has taken a chance by filing special leave petition and it is dismissed by Hon’ble Supreme Court on 14th July 2025.
- C) One more objection is raised. This order is sought to be reviewed by another party and that review petition was unconditionally withdrawn.

3. Learned Advocate for the Review Petitioner submitted that in

fact after the suit was restored on 21st December 2023 and prior to passing the order by this Court on 11th December 2024, present Respondent has appeared before the trial Court and it shows that he was aware about the order of restoration. Learned Advocate for the Review Petitioner tried to justify not informing to the Hon'ble Supreme Court about the order of restoration of suit by submitting that even at that time they were not aware about the restoration.

4. It is true the review can be granted only on limited grounds. Even the Court is required to consider the situation prevailing at the time of passing order on review application. Considering the above circumstances, I am not inclined to allow the review petition. It is dismissed.

5. As the suit is already restored, whether with knowledge or without knowledge of the present Respondent, the liberty granted by this Court in the order dated 11th December 2024 to file reply to restoration application will not survive. At the most it can be said that if the present Respondent intends to challenge the order of restoration, he can do so, preferably, he may choose to defend the suit.

6. With these observations, Review Petition is disposed of.

(S.M. MODAK, J.)