
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO. 141 OF 2025
IN
WRIT PETITION NO. 4413 OF 2025

Poonam Jaidev Shroff

...Petitioner

Versus

Jaidev Rajnikant Shroff

...Respondent

Mr. Girish Godbole, Senior Advocate a/w Ms Chandana Salgaonkar, Madhu Gadodia and Anisha Nair i/b Naik Naik & Co. for the Petitioner.

Mr. Vineet Naik, Senior Advocate a/w Mr. Sameer Tapia, Ms Siddhi Doshi and Mr. Rohan Marathe i/b ALMT Legal, Advocate for the Respondent.

CORAM: MANJUSHA DESHPANDE, J.

DATE : 03rd SEPTEMBER 2025

P.C.:

1. The Petitioner is seeking review of the Judgment and Order passed by this Court on 4th July 2025. The Petitioner had assailed the order dated 31st January 2025 passed below Exhibit- 225 by the Judge, Family Court at Bandra, Mumbai in the Writ Petition. The subject matter of Writ Petition was the application filed by the Petitioner for clubbing of the proceedings filed under Section 18 of the Hindu Adoption and Maintenance Act, 1956 (for short “the HAMA, 1956”) with the petition for divorce filed under Section 27 of the Special Marriage Act, which has been rejected by the Family Court at Bandra.

2. After hearing the parties at length, the order dated 4th July 2025 has been passed by this Court.

3. Mr. Girish Godbole, learned Senior Counsel for the Petitioner submitted that the order dated 4th July 2025, has been passed by this Court without taking into consideration various issues raised by the Petitioner. According to him, this Court has not at all taken into consideration Additional Issue No. 4A for permanent alimony also has been framed by the Family Court on 21st April 2025. Similarly, the contention that Sections 18 and 23 of the HAMA Act are *pari materia* with Section 37 of the Special Marriage Act, has not been considered by this Court as can be seen from the order dated 4th July 2025.

4. It is submitted that, the reliance placed by this Court on the reported Judgment in ***Chand Dhawan (smt) V/s. Jawaharlal Dhawan'*** is erroneous. Mr. Godbole, further placed reliance on the other grounds made out in the memo of Review Petition in support of his contention that due to non-consideration of the grounds mentioned in the memo of application, there is an error apparent on face of record, hence, the order passed by this Court on 4th July 2025 requires to be reviewed.

5. Per contra, Mr. Vineet Naik, learned Senior Counsel for the Respondent submits that the power of this Court to entertain a review

1 1993 (3) SCC 406

is limited. The Review Petitioner is raising grounds, which are clearly the one's on which an Appeal can be filed but they have been couched as grounds of Review. The scope of Review and Appeal being totally distinct, the Review Petition filed by the Petitioner does not deserve any consideration, hence, requires to be dismissed.

6. I have heard the respective parties and perused the Review Petition alongwith annexures thereto. Admittedly, the scope of entertaining a Review Petition under Order 47 Rule 1 of the Code of Civil Procedure r/w Section 114 of the Code of Civil Procedure is very limited. The first ground on which this Court has rejected the prayer made by the Petitioner is that, there is an order passed by the Hon'ble Supreme Court granting time limit to decide the divorce proceedings filed by the Respondent-husband. The said time limit has already been extended once, therefore, it is binding for the Family Court to decide the proceedings within the time prescribed by the Hon'ble Supreme Court. The proceedings filed by the wife under the HAMA have been filed much later, therefore both the proceedings are at a different stage. In order to avoid delay in divorce proceedings which is directed to be decided within a specific period, it is not desirable to club both the proceedings.

7. Even during the course of hearing of the Review Petition, a copy of the order dated 29th August 2025, passed by the Hon'ble Supreme

Court, granting extension of time to the Principal Judge, Family Court, Mumbai has been placed on record. It is categorically observed in the order dated 29th August 2025, that since the divorce proceedings are pending for almost a decade i.e. from 2015, the Court was not inclined to grant long extension, however, by way of last chance, three months time has been granted for deciding the divorce proceedings. It is further made clear that, if any party indulges in delaying tactics, the Family Court would be at liberty to draw an adverse inference against such party. In view of the aforementioned order passed by the Hon'ble Supreme Court, the view taken by this Court refusing the prayer of clubbing of proceedings stands fortified.

8. The other ground on which this Court has declined to interfere with the order passed by the Family Court is that, the reliefs claimed by the Petitioner in both the proceedings, i.e. one under the Special Marriage Act and other under the Hindu Adoption and Maintenance Act are under the different enactments. The relief of maintenance under the Special Marriage Act, is an incidental relief, whereas maintenance granted under the Hindu Adoption and Maintenance Act is a substantive relief. Therefore, it is not desirable to club both the proceedings.

9. In case of ***Kamlesh Verma vs. Mayawati and others***² the

² (2013) 8 SCC 320

Hon'ble Supreme Court has summarized principles for entertaining the Review alongwith grounds on which Review cannot be entertained after surveying the earlier law laid down by the Hon'ble Supreme Court, which reads thus:

“Summary of the principles

20. *Thus, in view of the above, the following grounds of review are maintainable as stipulated by the statute:*

20.1. *When the review will be maintainable:*

(i) Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the petitioner or could not be produced by him;

(ii) Mistake or error apparent on the face of the record;

(iii) Any other sufficient reason.

The words “any other sufficient reason” have been interpreted in Chhajju Ram v. Neki [(1921-22) 49 IA 144 : (1922) 16 LW 37 : AIR 1922 PC 112] and approved by this Court in Moran Mar Basselios Catholicos v. Most Rev. Mar Poulouse Athanasius [AIR 1954 SC 526 : (1955) 1 SCR 520] to mean “a reason sufficient on grounds at least analogous to those specified in the rule”. The same principles have been reiterated in Union of India v. Sandur Manganese & Iron Ores Ltd. [(2013) 8 SCC 337 : JT (2013) 8 SC 275]

20.2. *When the review will not be maintainable:*

(i) A repetition of old and overruled argument is not enough to reopen concluded adjudications.

(ii) Minor mistakes of inconsequential import.

(iii) Review proceedings cannot be equated with the original hearing of the case.

(iv) Review is not maintainable unless the material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice.

(v) A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected but lies only for patent error.

(vi) The mere possibility of two views on the subject cannot be a ground for review.

(vii) The error apparent on the face of the record should not be an error which has to be fished out and searched.

(viii) The appreciation of evidence on record is fully within the domain of the appellate court, it cannot be permitted to be advanced in the review petition.

(ix) Review is not maintainable when the same relief sought at the time of arguing the main matter had been negatived.”

10. According to me, the present Review Petition is covered by paragraph no. 20.2 of the above-referred judgment there is no material error manifest on the face of the order. All the grounds raised by the Petitioner are nothing but the grounds on which an Appeal can be filed. Merely because two views are possible on an issue it cannot be a ground for entertaining a Review. Since the Review Petition sans merit, as such, is dismissed.

[MANJUSHA DESHPANDE, J.]