

MPB

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

**REVIEW PETITION NO. 176 OF 2025
IN
WRIT PETITION NO. 14004 OF 2023**

Pari Nitin Ashar ... Petitioner
V/s.
Siddharth Borivali Co-operative Housing
Society Ltd. and Ors. ... Respondents

Yashodhan V. Divekar along with Shubham Jadhav i/by
Divekar & Co., for the petitioner.

P. G. Sawant, AGP for the State – Respondent Nos. 2 &
3.

Rajshekhar Govilkar along with Chaula Solanki, H. H.
Nagi, Niranjana Pradhan, and Simran Kazi i/by Nagi &
Associates, for the respondent in RPW No. 176 of 2025
and petitioner in WP No. 14004 of 2023.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 8, 2025

P.C.:

1. Rule. Rule is made returnable forthwith.
2. The petitioner submits that the order under review proceeds on an incorrect factual premise. The submission is that paragraph 2 of the order narrates facts which find no support in the contemporaneous record. It is urged that this Court accepted those statements without proper verification though the record available before the Court was sufficient to negate such a

narration. The petitioner also questions the observations in paragraphs 9 and 25 of the order dated 12 November 2025. According to the petitioner, these observations were not borne out from the material placed on record and have brought into consideration matters which were not germane to the statutory inquiry. The grievance is that these erroneous factual recitals have influenced the reasoning process and caused prejudice. The petitioner therefore contends that an error apparent on the face of the record stands established.

3. I have examined the judgment with the care which a review matter demands. Paragraphs 10 to 21 contain the reasoning which forms the core of the decision. These paragraphs deal with the scheme of the Act. They delineate the nature and limits of the jurisdiction vested in the Registrar. They show that the Registrar is bound by the statute. His authority cannot exceed the confines of the Act. The Registrar cannot assume jurisdiction by referring to considerations not contemplated by law. This Court held, after examining the statutory provisions, that the order impugned before it had been issued without the Registrar possessing the jurisdictional foundation required by the Act. This finding forms the ratio decidendi of the judgment. It sustains the conclusion reached by the Court.

4. Once the core reasoning is grounded in a clear analysis of the statutory limits, incidental factual errors or stray observations cannot disturb the conclusion. The scope of review is narrow. It is confined to correcting errors which go to the root of the decision. It does not permit this Court to undertake a rehearing. It does not

allow reconsideration of findings that rest on sound legal grounds. The alleged factual inaccuracies do not affect the fundamental finding that the Registrar lacked jurisdiction. They do not indicate that the reasoning process stood vitiated. The central conclusion remains intact. The judgment rests on a firm legal foundation which is unaffected by the peripheral objections raised.

5. In this background, no case for review is made out. The petitioner has not shown any error apparent on the face of the record which would justify invoking the limited jurisdiction of review. The reasoning which invalidates the Registrar's order continues to command acceptance. The interests of justice do not require reopening of the matter when the foundational findings are legally sound. The petition fails to disclose any ground for interference.

6. The Review Petition stands dismissed.

(AMIT BORKAR, J.)