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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO. 9 OF 2025
IN
CIVIL APPLICATION NO. 1324 OF 2018
IN
FIRST APPEAL NO. 1117 OF 2018

Shri. Ramanuj Co-operative
Housing Society Ltd.,
Through its Authorised Representative-
Mr. Ashok Gupta .. Petitioner
Versus
Sushma Gupta & Ashok Gupta
And
Minal Co-op. Housing Society Ltd & Ors. .. Respondents

Mr. Ashok Gupta, Review-Petitioner party-in-person, present.
Mr. Rubin Vakil a/w Ms. Humera Syed, Mr. Bishwajeet Mukherjee for
the Respondent No.1 Society
Mr. Rajiv Chavan, Senior Advocate a/w. Ms. Asmi Desai, Ms. Sonam
Pandey i/b. AGP, Ms. Pallavi Khale a/w. Mr. Pradeep Patil for
Respondent No.12- (MCGM).

CORAM : M.M. SATHAYE, J.

DATE : 13th NOVEMBER, 2025

P.C. :

1. Heard Mr. Ashok Gupta party-in-person, learned counsel for Respondent-Society and learned senior Advocate for Respondent-Municipal Corporation.

2. By this review petition, the alleged review Petitioner (Ramanuj Co-operative Housing Society Ltd.) is seeking review of order pronounced on 06.10.2025 passed in CA/1324/2018, IA/4513/2023,

IA/7662/2024 & IA/7880/2025.

3. Mr. Gupta claims that he is representing the review Petitioner-Society. He submits that the order under review was pronounced on 06.10.2025 though it was reserved on 22.08.2025. He submits that by the time, order was pronounced, roster of this Court (M.M.Sathaye,J.) had changed and no permission of the Chief Justice was obtained to pronounce the order after roster change. He further stated that IA/7880/2025 was not served upon him. He submitted that when the order was pronounced, it was not listed separately and it should have been listed separately due to roster change.

4. Learned counsel for Respondent-Society has opposed the prayer for review contending that Mr. Gupta is not duly authorized by Ramanuj Co-operative Housing Society. He submits that no grounds for review as provided under law, are made out. He submits that false statements are made. He prayed for dismissal of the review with exemplary costs.

5. Learned senior Advocate for Respondent - Municipal Corporation submits that no ground for review is made out and in fact, review petition does not contain any prayers. He also prayed for dismissal of the review with exemplary costs.

6. Firstly, it is important to note that the main first appeal is filed only by Sushma A. Gupta and Ashok Gupta. Ramanuj Co-operative Housing Society is Respondent No. 13 in first appeal. Therefore the said society has accepted the impugned judgment and decree. The said society did not contest when the order under review was passed.

Therefore, there is no question of the said society being aggrieved by the order.

7. Secondly, the alleged authority on the basis of which Mr. Gupta claims to represent Ramanuj Co-operative Housing Society is 'a print out' purported to be certified true extract of some resolution. The said resolution is not on the society's letterhead. There is no seal of the society. It is purported to be signed by the Chairman alone. No Vakalatnama duly signed on behalf of managing committee of said Society with proper seal and resolution is produced. In such circumstances, when Shri. Ramanuj Co-operative Housing Society has not even challenged the impugned judgment and decree, a challenge to an interim order at the instance of so called authority asserted by Mr. Gupta, cannot be accepted and the review cannot be entertained at his instance.

8. Therefore, the assertion of Mr. Gupta today that he is authorised by Respondent No. 13 - Ramanuj Co-Op. Housing Society, is a false statement.

9. So far as the argument about pronouncement of the order after the change of roster is concerned, admittedly, the 4 applications (which were disposed of by order under review) were heard together and arguments were concluded and order was reserved on 22.08.2025 itself, when this Court (M.M. Sathaye, J.) had the appropriate roster/assignment to hear the said applications. Under the applicable procedural rules, if the matter is completely heard with arguments concluded and if order/judgment is reserved, the same can be pronounced even after change of roster. Therefore, the said objection has no merit and it is rejected.

10. So far as the argument about IA/7880/2025 not being served upon the Petitioner-society is concerned, as already indicated Ramanuj Co-Op. Housing Society cannot be aggrieved by the said order. The order dated 22.08.2025 indicates and records what had transpired on that day. On that day, Mr. Gupta had in fact filed reply to IA/7880/2025 alongwith exhibits. If he was not served with IA/7880/2025 (as contended today), how he filed reply thereto ? Mr. Gupta has not raised any objection about service of IA/7880/2025 on 22.08.2025 when he filed reply and made submissions. In that view of the matter, the contention that copy of IA/7880/2025 was not served, is false. It cannot be treated as a ground of review.

11. It is further a matter of a record that on 13.08.2025, Appellant No.2 (Mr. Ashok Gupta, same person) appeared in-person and assured the Court that on next date all the applications which are on board will be proceeded on merits, either through an advocate or by himself as party-in-person. The said order is passed in all 4 applications, including IA/7880/2025. It is also a matter of record that on 06.10.2025, the matter was listed under caption 'for passing order'. In view of above, there was sufficient notice to Mr. Gupta that on 06.10.2025, all 4 applications were going to be decided.

12. In paragraph 24 of the order under review, this Court has already taken detail note of conduct of Appellants (including Mr. Gupta, who is Appellant No. 2). Today's arguments are an addition thereto.

13. In view of the aforesaid facts and circumstances, no case is

made out for review. Review petition is accordingly dismissed. Considering that Mr. Gupta is a party-in-person, this time, I am refraining from saddling him with costs.

(M.M. SATHAYE, J.)