

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

**REVIEW PETITION NO. 13 OF 2025
IN
APPEAL FROM ORDER NO. 618 OF 2015**

Ram Saket Co-operative Housing
Society Ltd.

....Petitioner/Appellant

Versus

Domnic Anthony D'Souza (Since Deceased)

Thr Lrs. 1(a) Luiza Widow Of Domnic D Souza & ors.Respondents

Mr. Atul Damle, Senior Advocate, a/w. Mr. Vishal Shriyan, Mr. Aditya Seetharaman i/by Mr. Vishal Shriyan for the Petitioner/Appellant.

Mr. Anil D'Souza i/by Mr. Charles D'mello for Respondent No.1(b).

Mr. Sourabh A. Saxena i/by R. D. Khare for Respondent No.2(a) to (c).

CORAM : JITENDRA JAIN, J.

DATED : 27th NOVEMBER 2025

P. C. :

1. This Review Petition is filed seeking review of an order dated 06th November, 2025 passed in an Appeal From Order under Order 43 of the Code of Civil Procedure, 1908.

2. At the outset, the Appeal From Order was argued by one Mr. Aditya Seetharaman, whereas, the present Review is being argued by learned senior counsel Mr. Damle. The Hon'ble Supreme Court and the Bombay High Court has time and again deprecated the practice of the main matter being argued by one counsel and Review being argued by another counsel. In this Appeal, same thing has occurred.

3. On a query raised by the Court, the learned senior counsel states that he will challenge in Appeal the impugned order dated 06th November, 2025. If that be so, then certainly the points raised in the Review can be raised in the Appeal, if the petitioner so desires.

4. The learned senior counsel has sought to re-argue the whole matter, which cannot be permitted in a Review Petition, since the scope of a Review Petition is limited. If the party is aggrieved by the findings of the original order, then the remedy lies somewhere else and not in filing a Review Petition.

5. The learned senior counsel has relied upon various case laws, which were never relied upon by the original counsel who argued the Appeal. In any case, the judgments are in support of the proposition that Advocate's negligence should not be a case for the litigant to suffer, whether sufficient cause is shown for absence on the date of hearing, whether party had knowledge of the date of hearing and on the issue of substantial justice to be considered. These are the judgments on the merits of the case and has observed by me above, in this Petition this Court cannot permit the petitioner to re-argue the case.

6. In view of above, the Review Petition is dismissed.

[JITENDRA JAIN, J.]