

Shabnoor

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

**INTERIM APPLICATION NO.9076 OF 2025
IN
WRIT PETITION NO.2545 OF 2024**

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Asharani Jilajeet Singh & Ors.	... Applicants
In the matter between	
Mamta Anil Singh & Ors.	... Petitioners.
V/s.	
Mamta Anil Singh & Ors.	... Respondents

Mr. Akash Giri i/b Mr. Vikash Giri for the
Applicant/respondent. No.1.

Laxmi Mishra i/b M/s Kaushik & Co. for the
Petitioners.

Mr. Hamid Mulla, AGP for State – respondent.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 1, 2025

P.C.:

1. For the reasons stated therein, the delay in filing the interim application is condoned.
2. The learned Advocate appearing on behalf of the petitioner has submitted that the petitioner is unable to enter the suit premises after the passing of the interim order dated 26th February 2024 by this Court, which is now sought to be reviewed. On this basis, the petitioner has moved the present application for review and/or recall of the said interim order.

3. However, it is evident from the contents of the application and the submissions made that the petitioner is essentially seeking review of the interim order not on the ground of any error apparent on the face of the record, but on the basis of events that allegedly took place *after* the passing of the said order. Such a ground, by its very nature, falls outside the purview of review jurisdiction. The legal position is well settled that a review cannot be sought merely because of a subsequent development or a change in circumstances occurring after the passing of the order. The remedy, if any, lies elsewhere by approaching the appropriate forum in accordance with law. But such post-order events cannot form the foundation for seeking review.

4. It is by now settled in law that the jurisdiction of review is extremely narrow and cannot be exercised as if it were an appellate jurisdiction. The Supreme Court in *State of Telangana v. Mohd. Abdul Qasim*, (2024) 6 SCC 461, has once again emphasized the strict parameters within which review jurisdiction must operate. The Hon'ble Court has held that:

"Mistake or error apparent on the face of record would debar the court from acting as an appellate court in disguise, by indulging in a re-hearing. A decision, however erroneous, can never be a factor for review, but can only be corrected in appeal. Such a mistake or error should be self-evident on the face of record. The error should be grave enough to be identified on a mere cursory look, and an omission so glaring that it requires interference in the form of a review. Being a creature of the statute, there is absolutely no room for a

fresh hearing. The court has got no role to involve itself in the process of adjudication for a second time. Instead, it has to merely examine the existence of an apparent mistake or error. Even when two views are possible, the court shall not indulge itself by going into the merits."

5. This judgment clearly lays down that unless the error is apparent on the face of the record, so obvious that it strikes at the first glance, there is no scope for interference under review jurisdiction. The Court is not expected to reopen or reargue the matter under the guise of correcting an error that is not self-evident.

6. In view of the above legal position, and since the present application fails to point out any such error apparent on the face of the record, the relief sought cannot be granted. The grounds urged relate to subsequent events, which are beyond the scope of review jurisdiction. Consequently, the interim application deserves to be dismissed.

7. Hence, the Interim Application stands rejected.

(AMIT BORKAR, J.)