

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

REVIEW PETITION NO.31 OF 2025

IN

WRIT PETITION NO.2752 OF 2022

Bipin Chandulal Sodha	]	
S/o Late. Mr. Chandulal Kesavji Sodha,	]	
Age 52 years, Indian Inhabitant, residing	]	
at Flat No.61, "A" Wing, Ashiyana	]	
Apartment, Shantilal Modi Road,	]	
Kandivali (West), Mumbai 400 067	]	...Review Petitioner /Ori. Petitioner.

IN THE MATTER BETWEEN

Bipin Chandulal Sodha,		
S/o Late. Mr. Chandulal Kesavji Sodha,	]	
Age 49 years, Indian Inhabitant, residing	]	
at Flat No.61, "A" Wing, Ashiyana	]	
Apartment, Shantilal Modi Road,	]	
Kandivali (West), Mumbai 400 067	]	...Petitioner.

V/s.

- | | | | |
|----|---------------------------------------|---|--|
| 1. | The Municipal Corporation of Greater |] | |
| | Mumbai, |] | |
| | Through its Municipal Commissioner |] | |
| | having address as Office of the |] | |
| | Municipal Commissioner of Greater |] | |
| | Mumbai, MCGM Headquarters, Fort, |] | |
| | Mumbai – 400 001. |] | |
| 2. | The Municipal Commissioner of Greater |] | |
| | Mumbai, |] | |
| | having address at Office of the |] | |
| | Municipal Commissioner of Greater |] | |
| | Mumbai, Mahapalika Marg. Opp. CST |] | |
| | Railway Station, Mumbai – 400 001. |] | |
| 3. | The Deputy Municipal Commissioner |] | |

- (Zone-VII),]
 3RD Floor, Office of the Municipal]
 Corporation of Greater Mumbai R/South]
 Ward, M.G. Cross Road No.2, Kandivali]
 (West), Mumbai – 400 067.]
4. The Asst. Municipal Commissioner, R/]
 South Ward of MCGM,]
 Office of the Asst. Municipal]
 Commissioner R/South Ward, M.G.]
 Cross Road No.2, Kandivali (West),]
 Mumbai : 400 067.]
5. The Executive Engineer, [Building &]
 Factory]]
 R/South Ward, Office of the Asst. Municipal]
 Commissioner R/South Ward, M.G.]
 Cross Road No.2, Kandivali (West),]
 Mumbai : 400 067.]
6. The Asst. Engineer (Maintenance]
 Department) R/South Ward]
 Office of the Asst. Municipal]
 Commissioner R/South Ward, M.G.]
 Cross Road No.2, Kandivali (West),]
 Mumbai : 400 067.]
7. The Executive Engineer, [Building &]
 Proposal] R/South Ward,]
 Office of the Asst. Municipal]
 Commissioner R/South Ward, BMC]
 Godown, Sanskrithi Complex, 90 Feet]
 Road, Thakur Complex, Kandivali (East),]
 Mumbai 400 101.]
8. Vijay Builders]
 The registered Partnership Firm, carrying]
 business as a builder and land]
 developers, having their office at Kantilal]
 Chawl, Main Carter Road, Borivali East,]
 Mumbai : 400066.]

- | | | | |
|-----|--|---|--------------------------------------|
| 9. | Vijay Damji Shah |] | |
| | Partner of VIJAY BUILDERS, The |] | |
| | registered Partnership Firm, carrying |] | |
| | buisiness as a builder and land |] | |
| | developers, having their office at |] | |
| | Kantilal Chawl, Main Carter Road, |] | |
| | Borivali East, Mumbai: 400 066. |] | |
| 10. | New Aakruti Co-Operative Housing |] | |
| | Society Ltd, |] | |
| | Through its Secretary, having address at |] | |
| | Mathuradas Road, Kandivali (West), |] | |
| | Mumbai -400 067. |] | |
| 11. | The State of Maharashtra, |] | |
| | Through its Secretary, Mumbai |] | ... Respondents
/Org. Respondents |

Mr. M.J. Reena Rolland a/w. Adv. Aishwarya Bhandary for the Review Petitioner.

Mr. Ashwin Sakolkar a/w. Adv. Meena Dhuri i/by Adv. Komal Punjabi for the Respondent-BMC.

Mr. Piyush Rahja a/w. Adv. Vikrama Garewal i/by Adv. Mehul Rathod of Respondent No.8.

Ms. Fatima Lakdawala, AGP, for Respondent No.11-State.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.
RESERVED ON : 11th September, 2025.
PRONOUNCED ON : 18th September, 2025.**

Judgment (Per : Kamal Khata, J) :-

- 1) By this Petition, the Petitioner seeks a review of the Order dated 7th April, 2025.

- 2) We have heard the learned counsel for the Petitioner and have perused the Order and the Review Petition.
- 3) The Petitioner is disappointed with the Order directing him to file appropriate proceedings before the competent jurisdictional Court for adjudication of his rights and disputed questions of facts involved in the Petition.
- 4) By this Petition he seeks to change our view taken and expressed in the Order dated 7th April, 2025. Essentially, it seeks to demand a reconsideration of the Petition so filed and disposed off. Such an exercise is impermissible by way of a review. It is well settled that a review is by no means an Appeal in disguise whereby an erroneous decision is re-heard and corrected, but lies only for patent error where without any elaborate argument one could point out to the error and say here is a substantial point of law which stares one in the face and there could reasonably be no two opinions entertained about it, a clear case of error apparent on the face of the record would be made out.
- 5) In our view, the Review Petition seeks a re-appraisal of the facts and reconsideration of the conduct and documents and facts on record. This is impermissible. The Supreme Court in the case of *Haridas Das vs. Usha Rani Banik & Ors.* reported in (2006) 4 SCC 78 clearly reiterates the law on review and prohibits a Court from re-hearing and re-considering the facts merely because a party is aggrieved by the Judgement.

6) In our view, the learned counsel is unable to point out any error apparent on the face of the record. She clearly insists on re-appraising the facts of the case in the guise of a Review Petition. A perusal of paragraph Nos.7 to 13 of Review Petition clearly indicates that it is an attempt to call upon this Court to re-appraise the entire facts and circumstances and reconsider our decision. This is impermissible and thus the Review Petition is dismissed.

7) The Supreme Court in the case of *Dnyandeo Sabaji Naik & Anr. vs. Pradnya Prakash Khadekar & Ors.* reported in (2017) 5 SCC 496 in paragraph Nos.13 and 14 have commended all Courts not merely as a matter of discretion but a duty and obligation to deal with these Petitions firmly. This Court had to be reconstituted and heard this matter afresh. The assignments had changed and it has disrupted the functioning of two other Courts. Without having considered the settled position of law merely with an attempt to take a chance, this Review Petition has been instituted. It could have clearly been avoided if the law was considered by the concerned Advocate. During the deliberation in the Court, the learned Advocate was again requested to answer our question, What was the error apparent on the face of record in the Order? She made attempts to divert our attention to the facts of the case clearly indicating that she desired re-appraisal of the facts and circumstances. The learned Advocate pointed out no error in facts or in law. We find it a disservice not only to the Court but also to her clients.

- 8) We therefore find this case fit to impose costs as we find that despite settled law the Review Petitioner has attempted to abuse the process by taking liberty with the procedures of the Court in the hope or on a misplaced expectation of judicial leniency. To ensure that we afford no premium to the abuse of process and to ensure that the legal system is not exploited, we impose costs of Rs.50,000/- on the Review Petitioner.
- 9) For the above reasons, this Review Petition is dismissed with costs.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.).