



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

MISC. CIVIL APPLICATION (REVIEW) NO.1018 OF 2024
IN
WRIT PETITION NO.5021 OF 2024

Nazma Begum Wd/o Babbukhan and Ors.

... Applicants/
Original Petitioners

Versus

Akhtari D/o Mohd. Umar and Ors.

... Respondents

....

Mr. P. P. Kothari a/w Mr. Nitin A. Lalwani, Advocates for the
Applicants.

....

CORAM : N.R. Borkar, J.
DATE : 17th April, 2025

ORDER :

1. By this application, a review of the order passed by this
Court dated 03.10.2024 in Writ Petition No.5021 of 2024 is sought.

2. I have heard the learned counsel for the Applicants.

3. The learned counsel for the Applicants submits that this
Court, while dismissing the Petition filed by the applicants, while
Sd/- dismissing the Petition filed by the applicants, has not considered the

legal position that the amendment to plaint can not be allowed after passing of the decree, when by amendment description of property is sought to be charged. It is submitted that this Court has also not considered the legal position that if the plaint is allowed to be amended, then opportunity to carry out consequential amendment to written statement needs to be granted and in such eventuality, it would amount to retrial, which is not permissible.

4. I have perused the said order dated 03.10.2024. In view of the finding recorded in the said order that there is a specific decree in respect of third room, I am not inclined to entertain the present Review Application. The Misc. Civil Application is therefore dismissed.

Sd/-
(N.R. Borkar, J.)

5. This order is corrected by correcting only the writ petition number in the cause title and para.1, in view of the speaking to minutes of the order dated 18.09.2025.

(PRAFULLA S. KHUBALKAR, J.)