IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION (ST.) NO.35352 OF 2025
WITH
INTERIM APPLICATION NO.13650 OF 2025

Yaseen Dost Khan and Others ...Petitioners

Versus

Ajit Developers Private Limited and Ors. ...Respondents

VISHAL SUBHASH PAREKAR
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Mr. Aseem Naphade i/b. Mr. Shreyas Shete and Ms. Vilasini Balasubramaniam, for the Applicants.

CORAM : SHARMILA U. DESHMUKH, J.
DATE : JANUARY 13, 2026

P. C. :

1. By the present Review Petition, the Petitioners seeks review of the judgment dated 21st February, 2025 passed in First Appeal No. 1841 of 2024.

2. The Review Petition has been filed by engaging different Advocate and counsel on record. Time and again, this Court has noticed that after judgment is passed, Review Petitions are filed by engaging different Advocate and arguing counsel. The matter is been re-argued by canvassing submissions which were not raised during the initial hearing of the Appeal.

3. In the present case, Mr. Naphade, learned counsel for the Review Petitioners argued the aspect of delay, readiness and willingness. However he would fairly concede that the submissions now being canvassed were not canvassed during the earlier round of litigation. Pointing out the averments in the Plaint, he would submit that the agreement was executed on 19th January, 1995 and the first communication was issued by the Plaintiff to the Defendants seeking specific performance on 23rd August, 2023 and by raising the issue of third party claiming vested interest in the subject property. He submits that the Suit was filed on 16th February, 2005 with no explanation whatsoever for the delay. He would further submit that it is necessary for the Plaintiff to demonstrate readiness and willingness drawing support from the decision in the case of ***Balraj Taneja and Another vs. Sunil Madan and Another***[1]**.** He would further submit that under the agreement for sale, the manner of the payment of consideration was set out in paragraph 1 and the obligation was of the Plaintiff which has not been satisfied.

4. I have considered the submissions and gone through the judgment under review.

5. This Court, while passing the judgment of 21st February, 2025 has dealt with all submissions which were canvassed by the then counsel. It

1 (1999) 8 SCC 396.

is not the case of the Review Petitioner that there is any error apparent on the face of record and what is sought to be canvassed is completely new line of argument by pointing out the aspect which was not argued during the earlier hearing. This Court has taken into consideration the aspect of readiness and willingness and has specifically held in favour of the Plaintiff. Having done so, it is now not open for the Plaintiff to re-argue the matter by canvassing fresh arguments. The review cannot be an appeal in disguise. The submissions canvassed are grounds of the Appeal. Hence, no case has been made out for review.

6. Review Petition stands dismissed.

IA No. 13650 of 2025 :-

7. As the Court is not inclined to entertain the Review Petition, the Application for condonation of delay is allowed formally.

[SHARMILA U. DESHMUKH, J.]