

HIGH COURT OF CHHATTISGARH AT BILASPUR

Review Petition No. 79 of 2016

1. Heeralal, S/o. Lalmohan Pangrah, Aged About 63 Years, Occupation- Retirement Railway Servant, R/o. House No. 25, Ward Number 35 Station- Khalhe Sonkharpara, Raigarh, Civil & Revenue District Raigarh (Chhattisgarh)
2. (A) Sunita, Wd/o. Late Dilwar Pangrah, Aged About 41 Years.
(B) Sudha, D/o. Late Dilwar Pangrah, Aged about 18 Years.
Appellant No.2(A) & (B) are R/o. H House No. 25, Ward Number 35 Station- Khalhe Sonkharpara, Raigarh, Civil & Revenue District Raigarh (Chhattisgarh)
3. Mu. Rakhi, D/o. Lungi Pangrah, Aged About 33 Years, R/o. House No. 25, Ward Number 35 Station- Khalhe Sonkharpara, Raigarh, Civil & Revenue District Raigarh (Chhattisgarh)

-----Petitioner

Appellants

Versus

1. Chandra Prakash, S/o. Malik Sidak Ilyajar,
Legal Heir's
(A). Ami Kushal, Wd/o. Chandraprakash Ilyajar, Aged about 62 years.
(B). Rajkumar Kushal, S/o. Late Chandraprakash Ilyajar,
Respondent No.1(A) & (B) are R/o. Station Khalhe Sonkharpa, Raigarh, Tahsil & District Raigarh (Chhattisgarh)
2. State Of Chhattisgarh, Through the Collector, Raigarh, District Raigarh (Chhattisgarh)

---- Respondents

(By Circulation in Chamber)

Hon'ble Shri Justice Goutam Bhaduri

ORDER

30.06.2016

1. The matter is taken up for consideration in the Chamber under provisions of sub-rule 2 of Rule 90 under Chapter-VI of the High Court of Chhattisgarh Rules, 2007.

2. By this petition, review of the order dated 04.04.2016, passed in Second Appeal No. 457 of 2015, has been sought for.
3. Perusal of the order shows that all the substantial facts and law were considered while appeal was heard and the appellants were given proper opportunity of hearing. Reading of the review petition would show that fresh detailed facts have been pleaded.
4. The prayer made in the review petition appears to be misconceived. The appellants have not pointed out any manifest error on the face of record and they have not brought to the notice of this Court any new facts which could not be produced earlier.
5. It is well settled principles of law that the review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of the Code of Civil Procedure. It appears that the appellants by filing this review petition seeks an opportunity to argue the entire case afresh on merits under the garb of the review petition, which is not permissible and tenable in law. It is also well settled that under the garb of review petition, the appellants should not be permitted to argue the entire case afresh which would amount to convert the review petition into an appeal and the same is not sustainable in law.
6. Further Hon'ble the Apex Court in ***State of West Bengal and others Vs. Kamal Sengupta and another (2008) 8 SCC 612*** held in para 22 that mistake or error apparent signifies an error which is evident *per se* from the record of the case and does not require detailed examination, scrutiny and elucidation either of the facts or the legal position. If an error is not self-evident and detection thereof requires long debate and process of reasoning, it cannot be

treated as an error apparent on the face of the record for the purpose of Order 47 Rule 1 CPC.

7. Therefore, in view of the above settled proposition of law, no grounds for review is available to the appellants against the impugned order.
8. In a result, the review petition is without any substance, the same deserves to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge