

REVIEW PET. (C) No. 02/2021

DINKU KHATI

PETITIONER (S)

VERSUS

KAMAL KUMARI SUBBA

RESPONDENT (S)

For Petitioner : Mr. B.K. Gupta, Legal Aid Counsel

For Respondent :

Date: 20/07/2021

CORAM :

HON'BLE MR. JUSTICE JITENDRA KUMAR MAHESHWARI, CJ.

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This Review Petition is arising out of a judgment dated 24.03.2020 passed in RFA No.03/2019 filed on 12.04.2021 in defect which was rectified on 10.07.2021.

In view of the order passed by the Hon'ble Supreme Court in *Suo Motu Writ Petition (C) No. 03/2020 (In-Re: Cognizance For Extension Of Limitation)*, dated 08.03.2021, the period of limitation has been extended, therefore, it is filed within the period of limitation.

Learned Counsel appearing on behalf of the Petitioner has placed reliance on Section 68 of the Evidence Act inter alia contending that one witness to the document has been examined but Court has wrongly appreciated the same, therefore, it falls within the purview of the error apparent on the face of the record.

After going through the finding as recorded by the learned Judge, it appears that such finding is based on appreciation of evidence which would not fall within the purview of error apparent on the face of the record. If petitioner wants to assail those findings he may take recourse of law.

In view of the above, in my considered opinion, there is no error apparent on the face of the record to interfere with this Review Petition.

Accordingly, it is dismissed.

Chief Justice

