

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Civil Review No.100 of 2018

Mangleshwar Singh, Aged about 77 years, Son of Late Govardhan Singh, resident of Village: Jori, P.O.: Jori, P.S.: Bashisth Nagar, Jori, District: Chatra.

.... **Petitioner(s)**

Versus

1. Upendra Prasad Keshri, Son of Late Shreechand Sahu, Resident of Vilalge : Jori Kalan P.S.: Bashisth Nagar, Jori, District: Chatra.
2. The State of Jharkhand thorough Deputy Commissioner, Chatra, P.O.+P.S.+District: Chatra. **Opposite Party(s)**

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Petitioner(s) : Mr. Sudhir Kr. Sharma, Adv.
For the Opposite Party(s) :

11/Dated: 28th February, 2025

1. The instant review application has been filed against the order dated 13th August, 2018 passed by this Court in Second Appeal No.563 of 2015.

2. The present dispute is result of Title Suit No.07 of 2000 which has travelled up to the second appellate court and the impugned order has been passed. The present application has been filed on following grounds: -

- (i) The litigation is not between the same parties nor with regard to the same property and for that second appeal being S.A. No.177 of 2016 is pending where neither the property nor the parties are same but the factum of partition among the family members is an issue.
- (ii) There was evidence suggesting factum of partition but that has not been properly appreciated.

3. The grounds for review are contained under Order-XLVII Rule-1 of the Code of Civil Procedure, 1908 which reads as under: -

- 1. Application for review of judgment.** —(1) Any person considering himself aggrieved—
 - (a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,
 - (b) by a decree or order from which no appeal is allowed, or
 - (c) by a decision on a reference from a Court of Small Causes,

and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order.

4. Thus, it is settled law that a review can be filed only if there is discovery of new fact, important matter or evidence which after exercise of due diligence was not within one's knowledge or could not be produced by him in the court or if there is something mistake or error apparent on the face of the record.

5. In the present case, no such ground is available. The first ground regarding pendency of another litigation cannot be a ground and further appreciation of evidence is not a ground for review.

6. In view of above discussion, I find no reason to entertain the present civil review, accordingly, the same is hereby dismissed.

7. In view of disposal of the present civil review, the interlocutory application being I.A. No.11392 of 2018 filed for condonation of delay in filing the present civil review also stands disposed of.

(Rajesh Kumar, J.)

**Amar-Ravi/-
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