

**HIGH COURT OF TRIPURA
AGARTALA
REVIEW PETITION NO.4 OF 2023**

Sri Pradip Kr. Ghosh
Vs.
Smt. Dali Roy and ors.

HON'BLE THE CHIEF JUSTICE (ACTING)

Present:

For the Petitioner(s) : Mr. A. Nandi , Advocate.
For the Respondent(s) : None.

20.01.2023

Order

The brief fact of this instant review petition is that landlords have instituted a suit for eviction of the petitioner under Section 12(3) of the Tripura Building(Lease and Rent Control) Act, 1975 before the Rent Control Court, Agartala, West Tripura. Said case was registered as RCC 16 of 2012. This petition was allowed vide judgment dated 21.09.2013 confirming the eviction of the petitioner herein. Thereafter, an appeal was preferred by the petitioner before the Civil Judge, Senior Division West Tripura, Agartala, and the said appeal was registered as RCC Appeal No. 13 of 2013. That appeal was allowed vide judgment dated 26.07.2014 reversing the judgment dated 21.09.2013 in connection with Case No.RCC 16 of 2012. Thereafter, the landlords have preferred a revision challenging the appellate judgment under Section 22 of the RCC Act before the District Judge Court. The said Revision Petition was registered as RCC Revision No.5 of 2014 and the same was

ultimately rejected vide judgment dated 11.03.2020. Thereafter the landlord side has preferred a petition under the Provision of Article 227 of the Constitution of India before this Court. Said petition was registered as CRP No.31 of 2021. The said CRP was also disposed of by a judgment dated 19.12.2022 and the petitioner herein was directed to vacate the premises after paying all arrears of rent if any to the landlord. According to the petitioner herein, there are some errors apparent on the face of the record of the judgment. Hence this instant Review petition has been filed praying for the following reliefs:-

- " i) Admit the Review Petition.
- ii) Call for the records of CRP 31 of 2021 from the Registry of Hon'ble High Court of Tripura, Agartala.
- iii) Issue notice upon the respondents.
- iv) After hearing the parties, pass necessary order rejecting the order dated 19.12.2022 and after further hearing pass necessary order of set aside the order dated 19.12.022 in Case No.CRP 31 of 2021.
- v) In the meantime, pass necessary order of stay of implementation of order dated 19.12.2021 in Case No.CRP 31 of 2021 till disposal of the instant Review Petition.
- vi) Pass any other order/orders what your lordship would deem fit and proper for ends of justice."

Today this petition has come up in the motion stage. Mr. A. Nandi Majumder, learned counsel appearing for the petitioner submitted that the finding of this Court in the impugned judgment that the petitioner herein is a defaulter is a wrong finding. Further the finding of this Court as to the requirement for partition is also not tenable as because even after reappraisal, it was established beyond reasonable doubt that there is an amicable partition. Hence the same needs interference.

Heard learned counsel appearing for the petitioner as well as perused the evidence on record.

All the argument raised in this review petition has been advanced in the earlier round of litigation, and now it is not open for the petitioner-counsel to raise such argument. In the review petition, the Court does not rehear the case at hand, the purpose of a review petition is limited to the correction of any errors or mistakes with the decision it has made.

Now let us reproduce Section 114 of the Code of Civil Procedure, 1908 which deals with the Review Petition:-

" 114- Review- Subject as aforesaid, any person considering himself aggrieved-

a) by a decree or order from which an appeal is allowed by this Code, but from which no appeal has been preferred.

b) by a decree or order from which no appeal is allowed by this Code, or

c) by a decision on a reference from a Court of Small Causes, may apply for a review of judgment to the Court which passed the decree or made the order, and the Court may make such order thereon as it thinks fit"

In view of the aforementioned provision, this Court is of the opinion that the contentions as raised by the petitioner-counsel amounts to reopening of the case in the garb of filing Review Petition. Accordingly, this instant Review Petition stands dismissed.

CHIEF JUSTICE (ACTING)