

GAHC010186862022



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Review.Pet./167/2022

ANANTA RAM MEDHI
S/O LATE AMRIT CHANDRA MEDHI,
R/O H/NO- 23, TARALI PATH, PANJABARI,
P.S.- DISPUR,
GUWAHATI- 781037,
DIST.- KAMRUP (M), ASSAM.

VERSUS

DEEKSHA SHOME @ ROY (MINOR) AND 2 ORS. F
D/O SHOUVIK SHOME AND LATE DIYA (ROY) SHOME,
R/O HOUSE NO 9, TARALI PATH, PANJABARI,
P.S.- DISPUR,
GUWAHATI- 781037,
DIST.- KAMRUP (M), ASSAM.

2:SANTWANA ROY
W/O- LATE BISWANATH ROY
R/O- H/NO-9
TARALI PATH
PANJABARI
P.S.- DISPUR
GUWAHATI- 781037
DIST.- KAMRUP (M)
ASSAM.

3:KHUSI CONSTRUCTION
A PARTNERSHIP FIRM HAVING ITS REGISTERED OFFICE AT JANASHAKTI
LANE
JYOTIKUCHI
GUWAHATI-34
KAMRUP (M)
ASSAM
REP. BY ITS PROPRIETOR RANA ASHOK DORA

S/O- LATE GANPATI DORA
R/O- JANASHAKTI LANE
JYOTIKUCHI
GUWAHATI-34
KAMRUP (M) ASSAM

Advocate for the Petitioner : PETITIONER IN PERSON

Advocate for the Respondent :

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

03.04.2023

Heard Mr. A.R. Medhi the petitioner-in-person.

This is a review application aimed at the order dated 09.08.2022 passed by this Court in CRP(IO) No.181/2022.

2. I have considered the submission of Mr. Medhi.

Order 47, rule 1 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.

(2) A party who is not appealing from a decree on order may apply for a review of judgment notwithstanding the pendency of an appeal by some other party except where the ground of such appeal is common to the applicant and the appellant, or when, being respondent, he can present to the Appellate Court the case on which he applies for there view.

[Explanation-The fact that the decision on a question of law on which the judgment of the Court is based has been reversed or modified by the subsequent decision of a superior Court in any other case, shall not be a ground for the review of such judgment.]"

3. Thus, it is clear that a review petition is maintainable only on the following grounds.

(a) A new matter or evidence has been discovered which was not in the knowledge of the petitioner in spite of due diligence;

(b) Although such matter or evidence was in the knowledge but the same could not be produced before the court when the judgment under review was passed or ordered;

(c) There is some mistake or error apparent on the face of the record or for any other sufficient reason.

4. Now, this Court is of the opinion that the present review petition is devoid of merit and stands dismissed accordingly.

JUDGE

Comparing Assistant