

Neutral Citation No. - 2024:AHC-LKO:35228

Court No. - 13

**Case :- CIVIL MISC REVIEW APPLICATION DEFECTIVE No. - 79
of 2024**

Applicant :- Smt. Malti And 3 Others

**Opposite Party :- Deputy Director Of Consolidation And 25
Others**

**Counsel for Applicant :- Dwijendra Mishra,Gaurav Shukla,Rajeiu
Kumar Tripathi**

Hon'ble Saurabh Lavania,J.

(C.M.Application No. 1 of 2024)

Heard learned Counsel for the applicant.

Considering the averments made in the affidavit filed in support
of application under consideration, the same is *allowed*.

Accordingly, the delay in filing the present review application is
hereby condoned.

Order of Review Application

1. Heard.
2. Present review application under Chapter V Rule 12 of the Allahabad High Court Rules, 1952 has been preferred by the petitioner in relation to final order dated 01.03.2024 passed in petition i.e. Writ-B No. 141 of 2024 (Smt. Malti and 3 others Vs. Deputy Director of Consolidation Bahraich and 25 others).
3. Before proceeding further it would be apt to refer that before the Writ-Court the matter was argued by Shri Rajeiu Kumar Tripathi, Advocate on behalf of the petitioner and the present review application has been filed after taking no objection from Shri Rajeiu Tripathi, Advocate by Shri Dwijendra Mishra and Shri Gaurav Shukla, Advocates. This review petition itself is not maintainable in view of the judgement of the Apex Court passed in **Tamil Nadu Electricity Board and Another Vs. N. Raju Reddiar and Another; (1997) 9 SCC 736.**

4. On merits also, this Court finds that the present review application is not liable to be entertained for the following reason:-

(i) Before the Writ-Court a challenge was made to the order dated 27.12.2023, which was passed by respondent No.1-Deputy Director of Consolidation, Bahraich (in short "DDC") in a revision registered as Case No.0422 of 2023, Computerized Case No.202354081500000422 (Smt. Malti and others Vs. Thakur Prasad and others) in exercise of power under Section 48(1) of U.P. Consolidation of Holdings Act, 1953 as also the order dated 31.01.2001 passed by respondent No.2/Settlement Officer, Consolidation, Bahraich (in short "SOC") in Appeal No.441/210 and the order dated 27.01.1998 passed by the respondent No.3/Consolidation Officer-II, Bahraich (in short "CO") in Case Nos.188+176+177 filed under Section 21 of the Act of 1953.

5. It would be apt to indicate that challenging the order dated 31.01.2001 passed by SOC, the revision was filed after more than 22 years on 4th October, 2023 and the DDC after taking note of the facts of the case including the huge delay in challenging the order dated 31.01.2001, dismissed the revision vide order dated 27.12.2023.

6. For the aforesaid reason, this Court while passing the judgement dated 01.03.2024, under writ petition, considered the issue as to whether the order dated 27.12.2023 is just and proper, whereby the revision, filed after 22 years, was dismissed.

7. This Court upon due consideration found that delay was not properly explained and accordingly, dismissed the writ petition upholding the order of DDC dated 27.12.2023. Relevant portion of the same reads as under:-

"The relevant facts of the case, to deal with the aforesaid, are as under.

During consolidation proceedings, chaks were allotted to the parties to the proceedings namely Thakur Prasad, Shiv Kumar, Jay Prakash, all sons of Shitla Prasad, and Ram Shufal s/o Dhode, as appears from the order dated 27.01.1998 passed by CO in Case Nos. 188+176+177 instituted under Section 21 of the Act of 1953.

Challenging the order dated 27.01.1998, the predecessor in interest of the petitioners namely Jay Prakash filed an appeal registered as Appeal No. 441/210 (Jay Prakash vs. Shiv Kumar and others) under Section 21(2) of the Act of 1953. This appeal was dismissed vide order dated 31.01.2001. The order dated 31.01.2001 on reproduction reads as under:-

"निर्णय"

यह चक अपील श्री जय प्रकाश पुत्र शीतल प्रसाद चकदार सं०-109 द्वारा चकबन्दी अधिकारी के निर्णय दिनांक 27-1-98 के विरुद्ध दिनांक 11-8-99 को संस्थित की गयी है। मियाद हेतु प्रार्थना पत्र व शपथ पत्र दिया गया है, जिसमें उल्लिखित कारणों को पर्याप्त मानते हुए मियाद की छूट प्रदान की जाती है। अपीलान्ट का कथन है कि उसके चक में पश्चिम की ओर उत्तर दक्षिण हरिजन आबादी छोड़ी जाय और गाटा 260 में आबादी छोड़ा जाय।

पक्षों को नोटिस जारी की गयी। पक्ष उपस्थित आये तथा उन्हें सुना गया। मैंने चक भूचित्र तथा अभिलेखों का परीक्षण किया। अभिलेखीय परीक्षण से स्पष्ट है कि अपीलान्ट को एक चक उसके मूल गाटा 275/2 मि० को लेते हुए बनाया गया है जो उचित स्थान पर है तथा नियमानुसार है। चकबन्दी अधिकारी स्तर पर चक नियमानुसार होने के कारण कोई संशोधन नहीं किया गया है। जहां तक हरिजन आबादी का प्रश्न है हरिजन आबादी उचित स्थान पर नियमानुसार छोड़ी गयी है। तथा उसमें किसी संशोधन की आवश्यकता नहीं प्रतीत होती है। अपील बलहीन व निराधार होने के कारण निरस्त होने योग्य प्रतीत होती है।

आदेश

अतः अपील बलहीन व निराधार होने के कारण निरस्त की जाती है। वाद पूर्ति कार्यवाही पत्रावली संचित हो।"

Challenging the order dated 31.01.2001, Thakur Prasad s/o Shitla Prasad filed a Revision registered as Case No. 447/ 2000-2001. In this revision, Jay Prakash, predecessor in interest of the petitioners, was not impleaded.

It appears from the record that Jay Prakash, predecessor in interest of the petitioners, being satisfied with the order dated 31.01.2001 never challenged the same by means of a revision and he kept mum during his lifetime, who expired in the year 2021 i.e. for a period of 20 years from the date of dismissal of appeal, Jay Prakash, predecessor in interest of the petitioners, never raised his voice and approached any authority as prescribed under the Act of 1953 including DDC under Section 48 of the Act of 1953.

After the aforesaid, the petitioners preferred a revision registered as Case No. 0422 of 2023, Computerized Case No. 202354081500000422 (Smt. Malti and others vs. Thakur Prasad and others) alongwith an application for condonation of delay challenging the order dated 30.01.2001, which was dismissed vide order impugned dated 27.12.2023, quoted above.

To consider as to whether the delay was properly explained or not, the averments made in the application for condonation of delay are relevant, which are extracted hereunder:-

"प्रार्थना पत्र अन्तर्गत पारा-5 भारतीय मियाद अधिनियम

श्रीमान् जी,

निवेदन है कि निगरानीकर्ता नं०-1 के पति व 2 ता 4 के पिता मुसम्म जय प्रकाश के बड़े भाई ठाकुर प्रसाद जो ग्राम पंचायत अधिकारी थे तथा परिवार में बड़े व कर्ता खानदान थे। दौरान चकबन्दी लायक स०च०अधि० द्वारा पूर्व में तीनों भाईयों के मध्य किये गये बाहमी बंटवारे के आधार पर चक प्रस्तावित न किये जाने के विरुद्ध ठाकुर प्रसाद व शिव कुमार व जय प्रकाश की तरफ से पृथक पृथक चक आपत्ति प्रस्तुत की गयी जो निरस्त होने के पश्चात जय प्रकाश व उत्तरदाता नं०-१ द्वारा अपील प्रस्तुत की गयी जो दिनांक 31.01.2001 को अपील जय प्रकाश व उत्तरदाता नं०-१ सरसरी तौर पर निरस्त कर दी गयी, अभी हाल में निगरानीकर्तागण के क्रमशः पति व पिता का देहान्त हो गया है। प्रार्थी निगरानीकर्तागण अभी तक यह समझते रहे और उत्तरदाता नं०-1 द्वारा यह बताया गया था कि पूर्व में किये गये बंटवारे के आधार पर तीनों भाईयों का चक संशोधित करके मूल गाटा सं०-260 पर सभी भाईयों के मकान के सामने अपने सहन पर चक दिया गया है तथा शेष हिस्सा द्वितीय मूल गाटा सं०-275 पर पूर्व में किये गये बाहमी बंटवारे के अनुसार शिव कुमार को मूल गाटा सं०-275 पर मल्हीपुर रोड से गांव की तरफ आने वाले खड़ण्जा मार्ग के किनारे व उसके बगल मध्य में ठाकुर प्रसाद व उसके बगल गांव की तरफ आने वाली सड़क उक्त दोनों रास्तों को लेते हुए जय प्रकाश को आखिरी मेड तक चक प्रस्तावित किया गया है और तदनुसार पूर्ववत निगरानीकर्तागण व उत्तरदाता नं०-1 व 2 बराबर काबिज व दखील आज तक बराबर वले आ रहे हैं। अभी हाल ही में उत्तरदाता नं०-1 द्वारा सीमांकन दायर करके गोपनीय तरीके से सारी कार्यवाही व आदेश कराकर पक्की मेड़बन्दी हेतु क्षेत्रीय लेखपाल व राजस्व निरीक्षक द्वारा मौके पर पक्की मेड़बन्दी नई गाटा सं०-774 की किये जाते समय निगरानीकर्तागण जानकारी पाकर मौके पर आये तब लेखपाल द्वारा नई गाटा सं०-774 की पैमाइश साबित गाटा सं०-275 निगरानीकर्तागण के हिस्से व कब्जे को लेकर करने लगे तब निगरानीकर्तागण को मौके पर पूर्व में किये गये बाहमी बंटवारे के विरुद्ध चक प्रस्तावित होने की जानकारी हुई तब प्रार्थी निगरानीकर्तागण दिनांक 03.08.2023 को माल कचेहरी बहराइच आकर अधिवक्ता श्री सूबेदार मिश्र से परामर्श किया और उनके द्वारा किये गये विधिक परामर्शानुसार सम्बन्धित चकबन्दी अभिलेखों व सम्बन्धित पत्रावलियों के मुआयना किये जाने का आवेदन किया तब न्यायालय चकबन्दी अधिकारी व बन्दोबस्त चकबन्दी द्वारा पारित प्रश्न गत आदेश दिनांक 27.01.1998 व 31.01.2001 को नकल दरखास्त दिया लेकिन लायक चकबन्दी अधिकारी द्वारा पारित प्रश्नगत आदेश दिनांक 27.01.1998 की नकल दिनांक 12.09.2023 को तैयार होकर प्राप्त हुई लेकिन न्यायालय ब०अ०च० द्वारा पारित प्रश्नगत आदेश दिनांक

31.01.2001 की पत्रावली काफी तलाश कराये जाने के बावजूद अभी तक उपलब्ध न होने के कारण नकल प्राप्त नहीं हो सकी। दिनांक 03.08.2023 से दिनांक 30.09.2023 दिन शनिवार तक अधिवक्तागण की हड़ताल होने के कारण निगरानी दायर नहीं की जा सकी, कल हड़ताल समाप्त होने की जानकारी पाकर प्रार्थी आज कचेहरी आया और निगरानी तैयार कराकर न्यायालय श्रीमान् जी पर दायर कर रहा है जो तारीख जानकारी एवं उपरोक्त परिस्थितियोंवश अन्दर मियाद है तथा विलम्ब क्षमा किये जाने योग्य है।

अतः श्रीमान् जी से प्रार्थना है कि निगरानी अन्दर मियाद मानकर विलम्ब क्षमा करते हुए निगरानी का निस्तारण गुणदोष के आधार पर किये जाने की कृपा की जावे।"

It is apparent from the application for condonation of delay that there is no averment/explanation with regard to non-filing of appeal by the predecessor in interest of the petitioners namely Jay Prakash, who remained alive for about 20 years after passing the order on appeal dated 31.01.2001.

The ground, which has been taken regarding knowledge of order dated 27.01.1998 passed by CO and order dated 31.01.2001 passed by SOC in the application, may be true but taking note of the fact that there is no explanation with regard to filing of revision by Jay Prakash, predecessor in interest of the petitioners, in his lifetime i.e. for about 20 years from the date of passing the order by appellate authority dated 30.01.2001 and also considering the law on the issue as also the grounds raised by the learned counsel for the petitioners including the ground that there is no reason recorded in the impugned order by DDC after considering the reasons indicated in the application seeking condonation of delay in filing the revision as also that opportunity of hearing was not provided to the petitioners, this Court is not inclined to interfere in the impugned order dated 27.12.2023 challenged by means of this petition.

The aforesaid is for the reason that even on grounds aforesaid, if this Court interferes in this case, then also in view of the fact that there is no explanation regarding non-challenging the order dated 31.01.2001 by Jay Prakash, predecessor in interest of the petitioners, the position would remain same and being so it would be a futile exercise in remanding the matter back for dealing with the application for condonation of delay without there being any plausible explanation for about 20 years.

For the reasons aforesaid, the petition is dismissed. Cost made easy. "

8. In the aforesaid background, the review petition has been filed on the following grounds:-

"A. Because, the Judgment and order dated 01-03-2024 is result of non consideration of facts on record in as much as the Thakur Prasad, Shiv Kumar and Jai Prakash were sons of Shitla Prasad and were original co-tenure holder of Khasra No. 260 and 275 measuring area 0.463 hectare situated at village- Salarpur, Pargana, Tahsil & District-

Bahraich and were enjoying possession on the basis of Bahmi Batwara (बहमी बटवारा) and all three brothers were made objection before the Consolidation Officer to carve out their chaks as per the their possession on the basis of Bahmi Batwara (बहमी बटवारा) on their original holdings and excluding the Chak allotted to Ram Sufal s/o Tendhe at plot no. 260 and also the area reserved for Harijan Abadi on their original plot no. 260 and shifting it at western portion of plot no. 275 which was in consonance with the scheme of the consolidation but the same was illegally rejected by order dated 27-01-1998 by Consolidation Officer, Bahraich and against the said order the Jai Prakash the husband of the petitioner no. 1 and the father of the petitioner no. 2 to 4 preferred appeal before the Settlement Officer of Consolidation being Appeal No. 441/210 on 09-08-1999 and Thakur Prasad also filed an appeal against the order dated 27-01-1998 being Appeal No. 440/209 on 09-08-1998 and the same were rejected by two different orders dated 31-01-2001. The Thakur Prasad who was elder amongst three brothers and was assigned responsibility for contesting the cases and filed a Revision being Revision No. 447 of 2001 before the Deputy Director Consolidation, Bahraich with collusion of Shiv Kumar and cheated Late Jai Prakash as he neither filed revision on his behalf nor made opposite party to him in the revision though he was necessary opposite party as being co-sharer of plot no. 275 and 260 and as such the Thakur Prasad got order dated 11-05-2001 passed by Deputy Director Consolidation, Bahraich by committing fraud and it is settled proposition of law that fraud vitiates all solemn proceedings and this aspect of the matter has not been considered by the Hon'ble Court in its Judgement and order dated 01.03.2024.

B. Because, Late Jai Prakash who was posted to a distance place from his parental village suffering from severe cancer ailment and finally died on 2021 could not come to know about the order dated 11.05.2001 during his life time.

C. Because, petitioners could only come to about the order dated 11-05- 2001 in the month of August 2023 when Thakur Prasad and Shiv Kumar initiated the proceeding for demarcations of their shares through new numbers allocated after the completion of consolidation and got an ex- parte report and proceeding in guarded secret and there after tried to carve new med (मैद) and thereafter the petitioner after arranging all the documents filed a revision against the order dated 31-01-2001 before the Deputy Director Consolidation on 04-10-2023 and also filed a recall application on 04-10-2023 against the order dated 11-05-2001.

D. Because, the Deputy Director Consolidation Bahraich has illegally rejected the revision on the ground of delay without considering the facts and circumstances narrated in application for condoning the delay vide its order dated 27-12-2023 and on the other hand and has not decided the recall application of the petitioners filed against the order dated 11-05- 2001 illegally passed in Revision No. 447 of 2000-2001

E. Because, the Hon'ble Court has not considered that the law of limitation is a procedural law and it is settled proposition of law settled by the Hon'ble Apex Court in catena of decision that procedural law is the subservient to the substantive law and doing substantial

justice is the paramount consideration by liberally construing the procedural law.

F. Because, if the petitioners case shall not be heard on merit and shall not be allotted chaks on their original plot numbers as per their original Vahmi Batwara then it will not only be against the Consolidation policy contained under section 19 of the Uttar Pradesh Consolidation of Holdings Act, 1954 but also cause irreparable loss and injury to the petitioners and their generations to come and in order to arrest the injury which may cause to the petitioners by not adjudicating the matter on merit the Hon'ble Court should liberally deal the condonation of delay.

G. Because, the respondents has obtained the order dated 11-05-2001 by way of fraud and perjury in as much as they have obtained the order dated 11-05-2021 by not making the Late Jai Prakash party in the proceeding and as such the respondents have obtained the order against the public policy and in order to arrest such fraud and perjury the law of limitation provide mechanism as held by the Hon'ble Apex Court in the case of Motichand vs. Munshi (1969) 2 SCR 824, that the principle of law of limitation is based on the maxim "interest republicae ut sit finis litum, that is, the interest of the State requires that there should be end to litigation but at the same time law of Limitation are a means to ensuring private justice suppressing fraud and perjury, quickening diligence and preventing oppression.

H. Because, the deponent and other petitioners of Writ B No. 141 Of 2024 (Smt. Malti Versus Deputy Director of Consolidation, Bahraich and Others) could not brought the fact before the Hon'ble Court that Late Jai Prakash the father of the deponent to a distance place of the native village Salarpur and was suffering from severe cancer ailment and was finally died in the year 2021 and due to that Late Jai Prakash never came to know about the order dated 31-01-2001 passed by settlement Officer Consolidation, Baharaich as well as he could not know about the order of revision dated 11-05-2001 as by his elder brother Thakur Prasad that revision no. 447/2000-2001 in connivance of Shiv Kumar the another brother and one Ram Sufal and fraudulently did not made party to Late Jai Prakash in that Revision though he was necessary party as being co- sharer of plot no. 260 and 275 and the Revisional Authority the DDC has also not taken care of to hear all the Chak holders of plot no. 275 and passed the order dated 11-05-2001 and altered the allotments of Chaks against the Vahmi Btawara of original tenure holder of plot no. 275 and this exercise is nothing but a result of fraud."

8. Based upon which the counsel for the review applicant has advanced his submissions.

9. After discussing a series of decisions on review jurisdiction in ***Kamlesh Verma v. Mayawati*** reported in **(2013) 8 SCC 320**, the Hon'ble Supreme Court has observed that review proceedings have to be strictly confined to the scope and ambit of Order XLVII Rule 1, CPC. As long as the point sought to be raised in the review application has already been dealt with and

answered, parties are not entitled to challenge the impugned judgment only because an alternative view is possible. The principles for exercising review jurisdiction were succinctly summarized in the captioned case as below:

“20. Thus, in view of the above, the following grounds of review are maintainable as stipulated by the statute:

20.1. When the review will be maintainable:

- (i) Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the petitioner or could not be produced by him;*
- (ii) Mistake or error apparent on the face of the record;*
- (iii) Any other sufficient reason.*

The words “any other sufficient reason” has been interpreted in Chajju Ram v. Neki¹⁷, and approved by this Court in Moran Mar Basselios Catholicos v. Most Rev. Mar Poulose Athanasius¹⁸ to mean “a reason sufficient on grounds at least analogous to those specified in the rule”. The same principles have been reiterated in Union of India v. Sandur Manganese & Iron Ores Ltd.²⁵,.

20.2. When the review will not be maintainable:—

- (i) A repetition of old and overruled argument is not enough to reopen concluded adjudications.*
- (ii) Minor mistakes of inconsequential import.*
- (iii) Review proceedings cannot be equated with the original hearing of the case.*
- (iv) Review is not maintainable unless the material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice.*
- (v) A review is by no means an appeal in disguise whereby an erroneous decision is re-heard and corrected but lies only for patent error.*
- (vi) The mere possibility of two views on the subject cannot be a ground for review.*
- (vii) The error apparent on the face of the record should not be an error which has to be fished out and searched.*

(viii) The appreciation of evidence on record is fully within the domain of the appellate court, it cannot be permitted to be advanced in the review petition.

(ix) Review is not maintainable when the same relief sought at the time of arguing the main matter had been negated.”

10. In **Ram Sahu (Dead) Through LRs v. Vinod Kumar Rawat** reported in 2020 SCC OnLine SC 896, the Hon'ble Supreme Court citing previous decisions and expounding on the scope and ambit of Section 114 read with Order XLVII Rule 1, has observed that Section 114 CPC does not lay any conditions precedent for exercising the power of review; and nor does the Section prohibit the Court from exercising its power to review a decision. However, an order can be reviewed by the Court only on the grounds prescribed in Order XLVII Rule 1 CPC. The said power cannot be exercised as an inherent power and nor can appellate power be exercised in the guise of exercising the power of review.

11. Recently the Hon'ble Apex Court in the case of **Sanjay Kumar Agarwal vs. State Tax Officer (1) and Another 2023 SCC OnLine SC 1406**, observed as under:-

9. In the words of Krishna Iyer J., (as His Lordship then was) “a plea of review, unless the first judicial view is manifestly distorted, is like asking for the Moon. A forensic defeat cannot be avenged by an invitation to have a second look, hopeful of discovery of flaws and reversal of result..... A review in the Counsel's mentation cannot repair the verdict once given. So, the law laid down must rest in peace.”

10. It is also well settled that a party is not entitled to seek a review of a judgment delivered by this Court merely for the purpose of a rehearing and a fresh decision of the case. The normal principle is that a judgment pronounced by the Court is final, and departure from that principle is justified only when circumstances of a substantial and compelling character make it necessary to do so.

11. In Parsion Devi v. Sumitri Devi, this Court made very pivotal observations:—

“9. Under Order [47 Rule 1 CPC](#) a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self-evident and has to be detected by a process of reasoning, can

hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under Order [47 Rule 1 CPC](#). In exercise of the jurisdiction under Order [47 Rule 1 CPC](#) it is not permissible for an erroneous decision to be “reheard and corrected”. A review petition, it must be remembered has a limited purpose and cannot be allowed to be “an appeal in disguise.”

12. Again, in *Shanti Conductors Private Limited v. Assam State Electricity Board*, a three Judge Bench of this Court following *Parsion Devi v. Sumitri Devi* (supra) dismissed the review petitions holding that the scope of review is limited and under the guise of review, the petitioner cannot be permitted to reagitate and reargue the questions which have already been addressed and decided.

13. Recently, in *Shri Ram Sahu (Dead) Through Legal Representatives v. Vinod Kumar Rawat*, this Court restated the law with regard to the scope of review under Section [114](#) read with Order XLVII of [CPC](#).

14. In *R.P. (C) Nos. 1273-1274 of 2021 in Civil Appeal Nos. 8345-8346 of 2018* (*Arun Dev Upadhyaya v. Integrated Sales Service Limited*), this Court reiterated the law and held that:

—
“15. From the above, it is evident that a power to review cannot be exercised as an appellate power and has to be strictly confined to the scope and ambit of Order [XLVII Rule 1 CPC](#). An error on the face of record must be such an error which, mere looking at the record should strike and it should not require any long-drawn process of reasoning on the points where there may conceivably be two opinions.”

15. It is very pertinent to note that recently the Constitution Bench in *Beghar Foundation v. Justice K.S. Puttaswamy (Retired)*, held that even the change in law or subsequent decision/judgment of co-ordinate Bench or larger Bench by itself cannot be regarded as a ground for review.

16. The gist of the afore-stated decisions is that:—

(i) A judgment is open to review inter alia if there is a mistake or an error apparent on the face of the record.

(ii) A judgment pronounced by the Court is final, and departure from that principle is justified only when circumstances of a substantial and compelling character make it necessary to do so.

(iii) An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of record justifying the court to exercise its power of review.

(iv) *In exercise of the jurisdiction under Order [47 Rule 1 CPC](#), it is not permissible for an erroneous decision to be “reheard and corrected.”*

(v) *A Review Petition has a limited purpose and cannot be allowed to be “an appeal in disguise.”*

(vi) *Under the guise of review, the petitioner cannot be permitted to reagitate and reargue the questions which have already been addressed and decided.*

(vii) *An error on the face of record must be such an error which, mere looking at the record should strike and it should not require any long-drawn process of reasoning on the points where there may conceivably be two opinions.*

(viii) *Even the change in law or subsequent decision/judgment of a co-ordinate or larger Bench by itself cannot be regarded as a ground for review.*

12. In the case of ***S.Madhusudhan Reddy Vs. V.Narayana Reddy and Others***, reported in **2022 SCC OnLine SC 1034**, the Hon'ble Apex Court observed as under:-

"As can be seen from the above exposition of law, it has been consistently held by this Court in several judicial pronouncements that the Court's jurisdiction of review, is not the same as that of an appeal. A judgment can be open to review if there is a mistake or an error apparent on the face of the record, but an error that has to be detected by a process of reasoning, cannot be described as an error apparent on the face of the record for the Court to exercise its powers of review under Order XLVII Rule 1 CPC. In the guise of exercising powers of review, the Court can correct a mistake but not substitute the view taken earlier merely because there is a possibility of taking two views in a matter. A judgment may also be open to review when any new or important matter of evidence has emerged after passing of the judgment, subject to the condition that such evidence was not within the knowledge of the party seeking review or could not be produced by it when the order was made despite undertaking an exercise of due diligence. There is a clear distinction between an erroneous decision as against an error apparent on the face of the record. An erroneous decision can be corrected by the Superior Court, however an error apparent on the face of the record can only be corrected by exercising review jurisdiction. Yet another circumstance referred to in Order XLVII Rule 1 for reviewing a judgment has been described as “for any other sufficient reason”. The said phrase has been explained to

mean “a reason sufficient on grounds, at least analogous to those specified in the rule” (Refer : Chajju Ram v. Neki Ram and Moran Mar Basselios Catholicos v. Most Rev. Mar Poulouse Athanasius).”

13. Upon due consideration of the grounds as also the law related to review petition, according to which the review is by no means an appeal in disguise and the scope of review is limited as also the judgment dated 01.03.2024, this Court finds no force in the present review petition for the reasons that while passing the judgment dated 01.03.2024 this Court considered the relevant facts pleaded for condoning the delay before the DDC as also the facts based upon the same pleaded in the petition and thereafter dismissed the petition after observing there is no explanation with regard to filing of revision by Jay Prakash, predecessor in interest of the petitioners, in his lifetime i.e. for about 20 years from the date of passing the order by appellate authority dated 30.01.2001 and the new facts which were not pleaded before DDC cannot be considered at this stage and being so this Court finds no error apparent on the face of record. Accordingly, the review application is ***dismissed***.

14. No order as to costs.

Order Date :- 7.5.2024

Ashutosh