

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

Review Pet. No.13 of 2025

Smti. Mita Laskar

.....Petitioner

_V_E_R_S_U_S_

Dr. Dilip Debnath

.....Respondent

For Petitioner(s) : Mr. A. K. Pal, Advocate.

For Respondent(s) : None.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

HON'BLE MR. JUSTICE BISWAJIT PALIT

_F_I_N_A_L_O_R_D_E_R_

19.03.2025

Heard.

[2] The present petition has been filed under Section-114 read with Order-47 Rule-1 of the Code of Civil Procedure, 1908 for correction and modification of the judgment and order dated 03.12.2024 passed by this Court in connection with case No. F.A. 02 of 2024.

[3] The facts in brief are that the appellant-opposite party filed an application before the learned Family Court, Agartala, West Tripura, bearing case No. T.S. (Nullity) 06 of 2018 and after hearing, the learned Additional Judge, Family Court, Agartala, West Tripura, passed the judgment and decree on 28.07.2023 by way of dismissing the case of the appellant opposite party and thereafter the appellant opposite party challenged the said judgment and decree before this Court bearing case No. F.A. 02 of 2024 and in this case, the Court passed the judgment and order on 03.12.2024 indicating that the husband appellant opposite party shall pay Rs.10,00,000/- by 5(five) instalments as permanent alimony to the respondent-petitioner. But the respondent petitioner has no intention to get onetime alimony and she was not ready to give divorce to her husband. But this Court given dissolution of both the parties and the respondent petitioner has been getting Rs.9,000/- from her husband as per direction of the learned trial Court. Now, she wants Rs.20,000/- per month as monthly maintenance in place of permanent alimony that has been given by this Court amounting to Rs.10,00,000/-.

[4] Being aggrieved by and dissatisfied with the same, the present review petition has been preferred before this Court.

[5] The case of the petitioner is that the petitioner wife is not willing to compromise the matter with her husband but if the respondent husband is agreed to pay 50% share of monthly pension and also 50% share of the F.D lying in the bank account of the husband and share of the land building of husband she would be ready to settle the matter permanently but not the amount as has been given by this Court i.e. Rs.10,00,000/-. But all these issues cannot be raised at this point, unless the requirements under the review are specified, the question of reviewing the order does not arise. The requirements under CPC may be extracted herein below for ready reference:

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

- (a) By a decree or other 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 by the decree or made the order, and the Court may make such order thereon as it thinks fit.”

Order-XLVII Rule-1 of CPC:

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 of the Court which passed the decree or made the order.

[6] The requirements as contemplated in Tripura High Court Review provision in Chapter-VIII Rule-2 may be extracted for ready reference:

“2. Discovery of New Important Matter In Review Application: Every application for review made upon the ground of the discovery of new and important matter or evidence within the meaning of Order XLVII Rule 1 of CPC shall be accompanied by an affidavit of the applicant together with the documents, if any, relied upon, and stating in clear terms, what such new and important matter or evidence is, the effect or purport thereof and that the same,

after the exercise of new diligence was not within the knowledge of the applicant or could not be produced at the time when the decree/order was passed.”

[7] Mere erroneous decision is distinguished from decision which could be characterized as vitiated by error apparent. Review of an order permissible if any grounds mentioned under Order-41 Rule-1 made out. There is distinction; it might not always be capable of exposition, between mere erroneous decision and decision which could be characterized as vitiated by error apparent. Review is not appeal in disguise where erroneous decision reheard and corrected by lies for patent error. Error which is not self-evident and has to be detected by process of reasoning can hardly be called as error apparent on the face of the record. The petitioner herein has not made out a ground for reviewing the order.

[8] In view of the above, the present petition stands dismissed. As a sequel, miscellaneous application, pending if any, shall stands closed.

B. PALIT, J

T. AMARNATH GOUD, J

A. Ghosh

ANJAN GHOSH

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