



CNR: KAHC010725062025

NC: 2026:KHC:45692
RP No. 488 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

REVIEW PETITION NO. 488 OF 2025

BETWEEN:

1. SRI NARAYANASWAMY
AGED ABOUT 66 YEARS
S/O LATE GOPLAPPA
2. SRI MAHESH
AGED ABOUT 25 YEARS
S/O SRIRAMAPPA
3. SRI K T NARENDRA BABU
AGED ABOUT 52 YEARS
S/O LATE THIMMAIAH
4. SRI ASHOK KUMAR
AGED ABOUT 50 YEARS
S/O LATE THIMMAIAH
5. SRI K T PRABHU
AGED ABOUT 48 YEARS
S/O LATE THIMMAPPA
6. SRI K T YASHWANTH
AGED ABOUT 44 YEARS
S/O LATE THIMMAPPA
7. SRI K M VINAY KUMAR
AGED ABOUT 40 YEARS
S/O LATE GAYATHRI



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8. SRI RAMA MURTHY
AGED ABOUT 58 YEARS
S/O LATE ASHWATH NARAYANPPA
9. SRI MANJUNATH
AGED ABOUT 49 YEARS
S/O LATE ASHWATH NARAYANPPA
10. SRI VENKATANAYAKA
AGED ABOUT 46 YEARS
S/O LATE ASHWATH NARAYANPPA
11. SRI RAMAKRISHNA
AGED ABOUT 42 YEARS
S/O LATE ASHWATH NARAYANPPA
12. SRI PRAKASH
AGED ABOUT 47 YEARS
S/O LATE KRISHNAPPA
13. SRI PRASANNA
AGED ABOUT 47 YEARS
S/O LATE KRISHNAPPA

APPELLANTS ARE RESIDENTS OF
3RD CROSS, KANAKAPPA GARDEN,
KANAKANAPALYA, KOLAR CITY-563101.

...PETITIONERS

(BY SRI. HEGDE S RAMAKRISHNA.,ADVOCATE)

AND:

SRI ANJANEYASWAMY TEMPLE TRUST
REPRESENTED BY ITS MANAGING TRUSTEE



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BANGARPET MAIN ROAD,
KURUBARPET
KOLAR CITY - 56 3101

...RESPONDENT

THIS REVIEW PETITION IS FILED UNDER SECTION 114 R/W ORDER 47 RULE 1 OF CPC 1908, PRAYING TO a) REVIEW THE JUDGMENT AND ORDER DATED 15.09.2025 IN RFA NO.1702/2023 PASSED BY THIS HONBLE COURT.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL ORDER

1. The review petitioners seek to challenge the impugned judgment dated 15.09.2025 passed by this Court in RFA No.1702//2023 (DEC/INJ), whereby the appeal filed by the petitioners was dismissed.
2. Heard Sri Hegde S. Ramakrishna, learned counsel for the review petitioners and perused the material on record including the impugned order.
3. The present review petition is filed under Order XLVII Rule 1 read with Section 114 CPC. Order XLVII Rule 1 CPC contemplates as under:



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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 or 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



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Appellate Court the case on which he applies for the review.

1[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.]

4. The Hon'ble Apex Court in **Smt. Meera Bhanja V/s Smt. Nirmala Kumari Choudhury** reported in **AIR 1995 SC 455** at para 8, held as under:

8. *It is well settled that the review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47, Rule 1, C.P.C. In connection with the limitation of the powers of the Court under Order 47, Rule 1, while dealing with similar jurisdiction available to the High Court while seeking to review the orders under Article 226 of the Constitution of India, this Court, in the case of Aribam Tuleswar Sharma v. Aribam Pishak Sharma, AIR 1979 SC 1047, speaking through Chinnappa Reddy, J., has made the following pertinent observations: (para 3):*

"It is true there is nothing in Article 226 of the Constitution to preclude the High Court from



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exercising the power of review which inheres in every Court of Plenary jurisdiction to prevent miscarriage of justice or to correct grave and palpable errors committed by it. But, there are definitive limits to the exercise of the power of review. The power of review may be exercised on the discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent on the face of the record is found; it may also be exercised on any analogous ground. But, it may not be exercised on the ground that the decision was erroneous on merits. That would be the province of a Court of Appeal. A power of review is not to be confused with appellate power which may enable an Appellate Court to correct all manner of errors committed by the subordinate court."

Now it is also to be kept in view that in the impugned judgment, the Division Bench of the High Court has clearly observed that they were entertaining the review petition only on the ground of error apparent on the face of the record and not on any other ground. So far as that aspect is concerned, it has to be kept in view that an error apparent on the face of record must be such an



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error which must strike one on mere looking at the record and would not require any long-drawn process of reasoning on points where there may conceivably be two opinions. We may usefully refer to the observations of this Court in the case of Satyanarayan Laxminarayan Hegde v. Mallikarjun Bhavanappa Tirumale, AIR 1960 SC 137, wherein, K.C. Das Gupta, J., speaking for the Court has made the following observations in connection with an error apparent on the face of the record:

"An error which has to be established by a long drawn process of reasoning on points where there may conceivably be two opinions can hardly be said to be an error apparent on the face of the record. Where an alleged error is far from self-evident and if it can be established, it has to be established, by lengthy and complicated arguments, such an error cannot be cured by a writ of certiorari according to the rule governing the powers of the superior court to issue such a writ."

5. On plain reading of Order XLVII Rule 1 CPC and in view of the dictum of the Hon'ble Apex Court in the case of **Meera Bhanja** *supra*, the power to review is available only when there is an error apparent on the face of the record and not then erroneous decision. The power of review under Order XLVII Rule 1 CPC may



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be opened *inter alia* only if there is a mistake or an error apparent on the face of the record and a review application cannot be held to be an appeal in disguise.

6. Looking into the judgment of this Court, there is no error apparent on the face of the record.

7. In the light of this settled proposition, this Court is of the considered opinion that the review petition is not within the scope and ambit of Order XLVII Rule 1 CPC. Accordingly, the review petition deserves to be dismissed as devoid of merits.

8. In the result, I pass the following:

ORDER

The review petition is ***dismissed***.

Pending interlocutory application also stands disposed of.

Sd/-

JUSTICE K.S. HEMALEKHA