

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.488 of 2013

In
SA 296 of 1991

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Sri Ram Khelawan Yadav & Ors.

.... Petitioner/s

Versus

Seikh Jainul & Ors.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Sinha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

8 13-01-2015 Heard learned counsel Mr. S.Q. Hussan on behalf of
the petitioners.

2. This review application has been filed by the petitioners for review of the judgment and decree dated 14.11.2013 passed by this Court in Second Appeal No.296 of 1991.

3. The learned counsel raised two points for review of the judgment. Firstly, he submitted that while passing the judgment this Court did not consider the fact that pursuant to the decree passed by the trial court the plaintiffs have already deposited the amount of Rs.4,000/- in the court below when the defendant refused to receive the same. Secondly, the learned counsel submitted that the judgment has been passed without substitution of the legal representatives of the deceased respondent

no.9.

4. It appears that the second appeal was admitted and six substantial questions of law were formulated. Both the learned counsels were present at the time of hearing of the second appeal. After hearing both the parties, the judgment sought to be reviewed was passed.

5. So far the first submission of the learned counsel is concerned, this question was never raised before this Court and, therefore, there is no question of error apparent on the face of the record arises. So far second point raised by the learned counsel for the petitioners is concerned, in my opinion, it is not a point for review of the judgment.

6. Accordingly, this review application has got no merit. It is, thus, dismissed.

Harish/-

(Mungeshwar Sahoo, J)

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