

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.270 of 2014

IN

SA 32 of 2012

=====

Yugal Kishore Prasad Son of Late Sitaram Prasad Resident of Village - Tilothu, P.O. + P.S. - Tilothu, District - Rohtas (Sasaram).

.... Defendant-Appellant-Appellant- Petitioner

Versus

1. Ram Janam Singh Son of Late Rambhajan Singh
2. Ram Bilash Singh Son of Late Rambhajan Singh
3. Ram Bachan Singh Son of Late Rambhajan Singh
4. Lalan Singh Son of Late Rambhajan Singh
5. Rajendra Singh Son of Late Becha Singh
6. Mahendra Singh Son of Late Bechu Singh

....Plaintiff-Respondent-Respondent-Opp Party 1st set

7. Ganga Singh Son of Late Keshwar Singh
8. Krishna @ Bhuwar Singh Son of Late Keshwar Singh
9. Gopal Singh Son of Late Keshwar Singh
10. Kapil Singh Son of Late Keshwar Singh All are resident of Village - Tilothu Tola Babuganj, P.O. + P.S. - Tilothu, District - Rohtas.
11. Munia Devi Wife of Late Tengari Singh Resident of Village - Narsingh Bigha, P.O. - Pahleja, P.S. - Dehri, District - Rohtas.
12. Jamuni Devi Wife of Narsingh Singh Resident of Village - Kesobigha, P.O. + P.S. - Akorhigola, District - Rohtas.
13. Samudri Devi Wife of Nand Kishore Singh Resident of Village- Narsingh Bigha, P.O. - Pehleja, P.S. - Dehri, District - Rohtas.

...Plaintiff No.2-Respondent-Respondent

Opposite Party 2nd set

14. The State of Bihar through Collector, Rohtas Sasaram.

.... Defendant 1st set-Respondent/Opp Party 3rd set

=====

Appearance :

For the Petitioner/s : Mr. Satish Chandra Jha

For the Respondent/s : Mr. Kundan Bahadur Singh

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 13-02-2015

Heard Mr. Jha in support of the application which seeks review of the order dated 31.07.2014 passed in S.A. No. 32 of 2012 wherein the review petitioner was the appellant.

By order dated 31.07.2014 this Court dismissed the appeal finding the same devoid of raising any substantial question of law. The appeal was filed against the concurrent finding of fact and law recorded against the

appellant by the courts below.

Mr. Jha pressed para iv under the head grounds in support of his contention. It has been urged that Gangajali Devi had lost the case in respect of the land in question in revenue record vide Exts B ½ & H I. She therefore could not have obtained the order contained in Exts. 5 5 & 6 and Ext.EI by the same revenue court.

It is settled law that power of review may be exercised on the discovery of new and important matter or evidence which was not within the knowledge of the party on the record when the order was passed. Such power could also be exercised where some mistake or error apparent on the face of the record is found and detected. While exercising such power the Court would not sit in appeal on the order passed in second appeal. The submissions of the review petitioner do not fit in that category. Those Exts. were on record when the court passed the order. It is not a case that any new and important matter or evidence was discovered subsequently. Considering the narrow confines of jurisdiction invoked this Court is unable to accept the contention of Mr. Jha to review the order dated 31.07.2014 passed in S.A. No. 32 of 2012.

The review application is dismissed.

(Kishore Kumar Mandal, J)

HR/-

U			
---	--	--	--