

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.1 of 2015

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1. Afroz Akhtar son of Late Buland Akhtar Saadat Ali R/o Mohalla- Milki Mohalla, Near Dr. Anwar, Ara, Police Station - Ara Nagar, District- Bhojpur, Ara.
 2. Perwez Akhtar S/O Late Buland Akhtar Saadat Ali R/o village Jatuka P.O. Manighanchi, P.S. Manighanchi, Darbhanga

....Defendant-Appellant-Appellant- Petitioner/s
Versus

1. Mohamad Nazmul Husan S/o late Kamrul Hasan
2. Md. Nasir Husan Arabi S/o Nazmul Hasan
3. Tasnim Hasan Arbi S/o Nazmul Hasan
4. Samim Hasan Arbi S/o Nazmul Hasan.
5. Hamid Hasan S/o Nazmul Hasan.
6. Rasid Hasan S/o Nazmul Hasan
7. Nujhat Fathima D/o Nazmul Hasan 1 to 7 are residents of Mohalla- Milki, Mohalla, Ara, P.S. Ara Nagar, District- Bhojpur.

.... Plaintiffs-Respondents-Respondents-Opposite parties

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Appearance :

For the Petitioner/s : Mr. Fakhruddin Ali Ahmad

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

9 16-12-2015 Heard counsel for the petitioner(s) in support of the civil review application which seeks review of the order dated 16.09.2014 passed in S.A. No. 34 of 2013.

The respondent(s) filed the suit for eviction of the defendant- petitioner on the ground of personal necessity. The same was contested. The trial court on a consideration of materials placed by both the parties before it decreed the suit. Aggrieved thereby, the defendant-petitioner filed appeal which was also rejected by judgment dated 21.12.2012.

Assailing both the judgments and decree(s) of the courts below S.A. No. 34 of 2013 was filed which was considered and rejected on merit by a reasoned order dated 16.09.2014. Now the present review application.

The contention of the petitioner(s) is that in spite of due diligence the petitioner(s)-defendant(s) could not lay hand on the order dated 15.09.2008 passed by the Settlement Officer, Bhojpur at Ara whereby the subject/suit land was found the land of the State and the relevant entry in the revisional survey record was directed to be corrected.

It is the contention of the petitioner that this fact having material bearing on the case could not be placed before the court and as such there is apparent error on the face of the record. The order should be reviewed.

On going through the judgment of the court below it appears that precisely this was the case of the petitioner(s) wherein it was stated that the land being **Kaiser-e-Hind** was leased out in favour of the land-owner but the lease expired. Both the courts below negated the said claim of the tenant defendant(review petitioner). The appeal also stood rejected. In my view, it is not a case where this Court should re-hear the appeal and re-appraise the evidence invoking Order 47

Rule 1 of the CPC. The review petitioners in fact, seek such relief from this Court. The confines of the jurisdiction are very limited.

For these reasons, this Court finds no merit in this review application which is accordingly dismissed.

No cost(s).

(Kishore Kumar Mandal, J)

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