

Party Name : THE STATE OF TRIPURA Vs SMT. SUKHERUNG REANG & ORS

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THE HONBLE MR JUSTICE U. B. SAHA

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The instant application is filed for review of the order dated 16.01.2015 passed by this Court in case No. C.M. Application 03 of 2015 arising out of RSA 27 of 2008.

Heard Ms. R. Purkayastha, learned counsel appearing for the petitioners.

Ms. Purkayastha, learned counsel while urging for review of the aforesaid order would contend that there are some errors on the face of the order and not only that, this Court also did not consider the grounds taken by the petitioners in the re-admission petition. This Court has gone through the impugned order dated 16.01.2015 from which it appears that the appeal was dismissed for non-appearance of the learned counsel for the parties and more so, the appeal was pending since 2008.

In the present application also the petitioners failed to show any error on the face of the order. The whole contention is that due to some bonafide reasons the engaged lawyer of the petitioner could not appear before this Court on which date the appeal was dismissed. It appears from the impugned order that after hearing the learned counsel for the parties and considering the fact that the conducting lawyer of the petitioners allegedly met with a minor accident near

Jogendranagar railway station, Agartala for which he could not appear before this Court but fact remains that no affidavit on behalf of the learned engaged counsel was annexed with the petition. There is no such contention that after passing of the impugned order they have discovered some new and important evidence which after the exercise of the due diligence of their knowledge could not be produced by them at that time when the impugned order was passed.

Review is not re-hearing on merit. Here in the instant case, this Court after hearing the parties gave a conscious decision. Re-admission of the petition is also not automatic. The petitioners failed to show any error apparent on the face of the impugned order.

For re-admission the aggrieved party should come with supporting documents for which they could not appear through their learned counsel. As the grounds mentioned in Order 47 Rule 1 of the CPC for reviewing the order is totally absent in the instant petition. More so, it also appears from the record that on previous occasion twice the appeal was dismissed due to non-appearance of the learned counsel.

In view of the above, this Court is of considered opinion that there is no merit in the review petition and the same is accordingly dismissed.