

HIGH COURT OF CHHATTISGARH AT BILASPUR

REVIEW PETITION No. 47 of 2015

1. Lalchand Agrawal, S/O. Laxmi Narayan Agrawal, Aged About 56 Years, R/O. Supela, Agrawal Traders, Nehru Road, Bhilai, Tahsil & District- Durg, Chhattisgarh

---- Applicant

Versus

1. Pramod Kumar, S/o Gyandeo Kalmegh, Aged About 50 Years
2. Praveen Kumar, S/O. Gyandev Kalmegh, Aged About 42 Years,
Both R/O Quarter No. 2A, Street No. 8, Sector-1, Bhilai, Tahsil & District- Durg, Chhattisgarh
3. Smt. Sohaga Bai, Wd/o. Kedarnath, Aged About 89 Years. R/O Village : Bhilai, Tahsil Gunderdehi, District- Balod, Chhattisgarh
4. Avinash Agrawal, S/o. Lalchand Agrawal, Aged About 21 Years. R/O. Supela, Agrawal Traders, Nehru Road, Bhilai, Tahsil & District- Durg, Chhattisgarh

---- Respondents

(By Circulation in Chamber)

SB : Hon'ble Shri Goutam Bhaduri, J.

ORDER

06.11.2015

1. The matter is taken up for consideration in the Chamber under provisions of sub-rule 2 of Rule 90 under Chapter-VI of the High Court of Chhattisgarh Rules, 2007.
2. The review petition is preferred by one of the respondent namely Lalchand Agrawal for review of the order dated 14.05.2015, passed in M.A. No.98/2014, who was represented by the counsel.
3. Perusal of the order sheet shows for which the review is sought for, all the substantial facts and law were considered while appeal was

heard. The applicant was given proper opportunity of hearing and reading of the review application would show that fresh detailed facts has been pleaded.

4. The prayer made in the review petition appears to be misconceived. The applicant has not pointed out any manifest error on the face of record and he has not brought to the notice of this Court any new facts which could not be produced earlier.
5. It is well settled principles of law 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 of the Code of Civil Procedure. It appears that the applicants by filing this review petition seeks an opportunity to argue the entire case afresh on merits under the garb of the review petition, which is not permissible and tenable in law. It is also well settled that under the garb of review petition, the applicants should not be permitted to argue the entire case afresh which would amount to convert the review petition into an appeal and the same is not sustainable in law.
6. Further Hon'ble the Apex Court in ***State of West Bengal and others Vs. Kamal Sengupta and another (2008) 8 SCC 612*** held in para 22 that mistake or error apparent signifies an error which is evident *per se* from the record of the case and does not require detailed examination, scrutiny and elucidation either of the facts or the legal position. If an error is not self-evident and detection thereof requires long debate and process of reasoning, it cannot be treated as an error apparent on the face of the record for the purpose of Order 47 Rule 1 CPC.

7. Here in the instant case, the order of appeal has been passed after hearing the parties at length and no manifest error has pointed out on the face of record and it has not brought to the notice of this Court any new facts which could not be produced earlier.
8. In a result, the review petition is without any substance, the same deserves to be and is hereby dismissed .

**Sd/-
(Goutam Bhaduri)
Judge**