

HIGH COURT OF CHHATTISGARH AT BILASPUR

Review Petition No. 158 of 2015

Dr. Arvind Sharma, S/o. Shri Dayaram Sharma, Aged About 47 Years, R/o. Dr. B.R.Narkhed, House of Electrical Division Engineer, Bashantpur, Rajnandgaon, Police Station Rajnandgaon, Civil & Revenue District Rajnandgaon (Chhattisgarh)

---- Applicant

Versus

1. Smt. Kiran Sharma, W/o. Dr. Arvind Sharma, R/o. Azad Chowk, Handipara Raipur, Police Station Azad Chowk, Thana, Civil & Revenue District Raipur (Chhattisgarh)
2. State Of Chhattisgarh, Through the District Magistrate, Raipur, Civil & Revenue District Raipur (Chhattisgarh)

---- Respondents

(By Circulation in Chamber)

Hon'ble Shri Justice Goutam Bhaduri

ORDER

10.12.2015

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. By this petition, review of the order dated 13.10.2015, passed in Cr.M.P. No.519 of 2013, has been sought for.
3. Perusal of the order shows that all the substantial facts and law were considered while petition was heard and the applicant was given proper opportunity of hearing. Reading of the review application would show that fresh detailed facts have 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 applicant 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 applicant 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. Therefore, in view of the above settled proposition of law, no grounds for review is available to the applicant against the impugned order.
8. In a result, the review petition is without any substance, the same deserves to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge