

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Review Petition No. 150 of 2015**

1. Mahetaru Ram Sahu S/o Parsadiya Sahu, aged about 50 years ,
R/o Village- Agarikala, Police Station- Pipariya, Distt.-
Kabirdham, Chhattisgarh (Owner)
2. Goverdhan Sahu S/o Santram Sahu, aged about 22 years , R/o
Agarikala, Police Station- Pipariya, Distt.- Kabirdham,
Chhattisgarh (Driver)

---- Petitioners**Versus**

1. Budhwantin Wd/o Late Kishun, aged about 40 years ,
Occupation- House Wife, R/o Agarikala, Post- Dasrangpur,
Tahsil- Kawardha, Distt.- Kabirdham, Chhattisgarh
2. Mordhwaj S/o Late Kishun, aged about 20 years , Occupation-
Labour, R/o Agarikala, Post- Dasrangpur, Tahsil- Kawardha,
Distt.- Kabirdham, Chhattisgarh
3. Saheb S/o Late Kishun, aged about 15 years minor, through
natural guardian mother namely Budhwantin (Non-Applicant
No.1) R/o Agarikala, Tahsil- Kawardha, Distt.- Kabirdham,
Chhattisgarh
4. Sahbin D/o Late Kishun, aged about 17 years minor, through
natural guardian mother namely Budhwantin (Non-Applicant
No.1) R/o Agarikala, Tahsil- Kawardha, Distt.- Kabirdham,
Chhattisgarh
5. Jamun S/o Late Kishun, aged about 13 years minor, through
natural guardian mother namely Budhwantin (Non-Applicant
No.1) R/o Agarikala, Tahsil- Kawardha, Distt.- Kabirdham,
Chhattisgarh
6. Rajesh S/o Late Kishun, aged about 12 years minor, through
natural guardian mother namely Budhwantin (Non-Applicant
No.1) R/o Agarikala, Tahsil- Kawardha, Distt.- Kabirdham,
Chhattisgarh
7. Sudhiya Bai W/o Sawant, aged about 70 years R/o Agarikala,
Tahsil- Kawardha, Distt.- Kabirdham, Chhattisgarh
8. Hemant Tondon S/o Mohan Lal, aged about 25 years R/o
Mahasati Ward, Bhatapara, Distt.- Raipur, Chhattisgarh
9. The Oriental Insurance Company Limited, Gandhi Mandir Ward,
Bhatapara, Distt.- Raipur,
10. United India Insurance Company Limited, Behind Paras
Complex, Gurudwara Station Road, Durg, Distt.- Durg,
Chhattisgarh

---- Respondents

For Petitioners : Shri Rakesh Pandey, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board**14/12/2015**

Heard on I.A. No.01, application under Section 5 of the Limitation Act for condonation of delay in filing the review petition.

2. On due consideration, I.A. No.01 is allowed and the delay of 216 days in filing the review petition is condoned.

3. By way of the instant Review Petition the petitioners have sought for review of the order dated 27.02.2015 passed by this Court in M.A. (C) No.712 of 2012.

4. Grievance of the petitioners in brief is that while passing of the said order, the Court has not considered the interse liability of the two owners of the two vehicles involved in the accident.

5. It is a settled position of law that review of an order can only be made if there occurs some error apparent on the face of the record that by itself would mean that only in very rare circumstances where certain error has crept in passing of the decision can a review be entertained. But such is not the case in the instant review petition where the review petitioners want this Court to re-consider the evidences which have come on record and also want to reconsider all those aspects which have been argued but not considered by the Court while passing the order, this by itself becomes re-hearing of the Misc. Appeal on its merits which perhaps would not be permissible under the jurisdiction of review.

6. Re-appreciation of the facts of the case and passing of fresh order by exercising the review petition is not permissible under law. 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. An error which is not self evident and has to be detected by a process of

reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review. The jurisdiction under review does not permit an erroneous decision to be reheard and corrected. The mistake apparent on record means that the mistake which is self evident, needs no search and satres at its face.

7. Principle of law to entertain review petition is well settled in catena of decisions one of latest being 2012(7)SCC 200 (Haryana State Industrial Development Corporation Limited vs. Mawasi and Others). Similar view has also been taken by the Supreme Court in cases of *Smt. Meera Bhanja vs. Smt. Nirmala Kumari Choudhary*¹, *Lily Thomas, etc. vs. Union of India and others*², *Ajit Kumar Rath vs. State of Orissa and others*³, *Government of T.N. and others vs. M. Ananchu Asari and others*⁴ and *Kerla State Electricity Board vs. Hitech Electrothermics & Hydropower Ltd. and others*⁵.

8. Thus, applying the above well settled principles of law to the facts of the present case, there is no ground available for review of the order dated 27.02.2015. Under the garb of the review petition, the petitioners seek an opportunity to argue the entire case afresh which would amount to converting the review petition into an appeal and the same is not sustainable in law.

9. As a result and in view of the foregoing, this review application is dismissed. No order as to costs.

Sd/-
(P. Sam Koshy)
JUDGE

Bhola

1 AIR 1995 SC 455
2 AIR 2000 SC 1650
3 AIR 2000 SC 85
4 2005 (2) SCC 332
5 2005 (6) SCC 651