

HIGH COURT OF CHHATTISGARH AT BILASPUR

REVIEW PETITION No. 124 of 2015

1. Prahlad Rai, S/O. Parasram, Aged About 41 Years,
2. Kewal Ram, S/O. Parasram, Aged About 44 Years,

Both by Caste- Sindhi, R/O. Old Bus Stand, Dhamtari, Tahsil & District Dhamtari, Civil & Revenue District Dhamtari, Chhattisgarh

---- Applicants

Versus

1. Ram Bai, D/O. Mehttar, Aged About 50 Years, Caste- Lohar, R/O Opp. Old Bus Stand, Sundarganj Ward, Dhamtari, Tahsil & District Dhamtari, Chhattisgarh
2. Gyan Chand, S/O. Srichand, Aged About 25 Years, R/O. Koshtapara Ward, Dhamtari, District Dhamtari, 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 the applicant to review the order dated 24.06.2015, passed in F.A. No.178 of 2006.
3. Perusal of the review petition would show that prayer is made for grant of decree of specific performance. Reading of the order of the first appeal would show that the decree for specific performance of contract was refused and the earnest money was directed to be returned back with interest @ 6% per annum.

4. The prayer made in the review petition appears to be misconceived. The applicants have not pointed out any manifest error on the face of record and they have 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. Therefore, in view of the above settled proposition of law, no grounds for review is available to the applicants 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**

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