

HIGH COURT OF CHHATTISGARH AT BILASPUR

REVIEW PETITION No. 126 of 2015

1. Ashish Kumar Pandey, S/O. Shri V. N. Pandey, Aged About 46 (35) Years, Occupation- Transporter And Agriculturist, R/O Sahdeo Nagar, Rajnandgaon, Tahsil And District- Rajnandgaon, Chhattisgarh.

---- Petitioner

Versus

1. Smt. Shanti Bai, Wd/O. Late Chumman Das Sahu, Aged About 46 (35) Years,
2. Ku. Nageshwari, D/O. Late Chumman Das Sahu, Aged About 26 (15) Years,
3. Chokes, S/O. Late Chumman Das Sahu, Aged About 24 (13) Years,
4. Ku. Shashikala, D/O Late Chumman Das Sahu, Aged About 22 (11) Years,
5. Tekeshwar S/O Late Chumman Das Sahu, Aged About 18 (7) Years,
6. Muldas, S/O. Shri Gandharoo Sahu, Aged About 86 (75) Years,
7. Smt. Geeta Bai, W/O Shri Muldas, Aged About 79 (68) Years,
All are R/O Village- Banhardi, P.S. Lalbag, Tahsil And District- Rajnandgaon, Chhattisgarh
8. The National Insurance Company Limited, Through The Branch Manager, Branch Kamthi Line, Rajnandgaon, Tahsil And District Rajnandgaon, 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 14.09.2015, passed in M.A. No.1303 of 2004.
3. It is stated that the applicant was not served with duly notice and the grounds is not being considered in the appeal and other ground is raised. Further it is also stated that the liability has wrongly been fastened over the applicant alongwith the insurance company.
4. Perusal of the order shows that, instant review petition is completely misconceived and has been filed without going through the order in detail. As appears it has been drafted without going through the entire order as the grounds urged have been dealt with at para 21 and onwards of the order in appeal. The prayer made in the review petition appears to be misconceived as 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. 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**