

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

REVP No. 43 of 2015

- Gramin Seva Sahakari Samiti Maryadit Acchola Registration No. 1018 Through Ashish Diwan President Gramin Seva Sahkari Samiti Maryadit, Acchola, Police Station Tumgaon, Civil & Revenue District Mahasamund, Chhattisgarh

---- Petitioner

Versus

1. Dharam Das Mahilang S/o Late Shri Raruha Mahilang, aged About 65 Years R/o Village & Post Joba, Police Station Tumgaon, Civil & Revenue District Mahasamund, Chhattisgarh
2. Joint Registrar, Cooperative Societies, Raipur, Chhattisgarh
3. Deputy Registrar, Cooperative Society, Mahasamund, Chhattisgarh
4. Sanjay Manoj Lal, Senior Cooperative Inspector, Office of Sub Registrar, Joint Registrar, Cooperative Society, Mahasamund, Chhattisgarh

---- Respondent

(Application for review of the order dated 23.03.2015 passed in W.P. (227)
No.438/2014

(By circulation in chamber)

S.B. : Hon'ble Mr. Justice Prashant Kumar Mishra

29/06/2015

IA No.01

1. This is an application for condonation of delay in filing the review petition.
2. For the reasons mentioned in the application (IA No.1), the same is allowed and the delay of 11 days in filing the review petition is condoned.
3. 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.

4. The review petitioner, who was respondent No.1, in W.P. (227) No.438/2014 seeks review of the order dated 23.03.2015 passed in the aforesaid writ petition solely on the ground that while disposing of the said writ petition, this Court continued the interim order dated 04.06.2014 till the appeal of the writ petitioner is considered and decided by the Cooperative Tribunal on merits.

5. By way of present review petition, the review petitioner prayed for vacating the said interim order. Except this ground, no other legally permissible ground has been raised by the review petitioner.

6. On going through the order dated 23.03.2015 passed in W.P.(227) No.438/2014, it appears that this Court has not considered the said writ petition on merits. This Court has simply disposed of the petition by giving liberty to the writ petitioner to prefer an appeal before the Tribunal. The said order has been passed by this Court in presence of learned counsel for the writ petitioner as well as review petitioner (respondent No.1 in the writ petition).

7. There is no other ground pointed out by the petitioner showing any manifest error on the record and has not further brought into the notice, any new facts, which could not be produced earlier despite diligent efforts made by the petitioner. 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. Even in exercise of review jurisdiction by the High Court under Article 226 of the Constitution, the petitioner has not produced any ground for review.

8. It is well settled principle of law that under the garb of review petition, the petitioner 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. (See: Meera Bhanjan v. Smt. Nirmal Kumar Chowdhary, AIR 1995 SC 455, Lily Thomas etc. v. Union of India and others, AIR 2000 SC 1650, Ajit Kumar Rath v. State of Orissa and others, AIR 2000 SC 85, Government of T.N. & Others v. M. Ananchu Asari and others, (2005) 2 SCC 332, and Kerla State Electricity Board v. Hitech Electrothermicism & Hydropower Ltd. and others, (2005) 6 SCC 651.

9. Be that as it may, this Court has not decided the writ petition on merits, therefore, there is nothing to be reviewed in the matter.

10. As a sequel, the review petition, *sans substratum* is liable to be and is hereby dismissed.

JUDGE