

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.233 of 2016

=====

Sidhnath Tiwary

.... Petitioner/s

Versus

Prahalad Tiwary & Ors

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Sinha

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

5 17-08-2016

Heard the learned counsel, Mr. Dharmendra Kumar Sinha for the petitioner.

This review application has been filed for review of the judgment of this Court dated 07.12.2015 passed in Second Appeal No.95 of 1985.

The learned counsel for the petitioner relying on the decision of Budh Ram & Ors. v. Bansi & Ors., 2011(1) PLJR 91(SC) submitted that the appeal filed by the opposite party before the lower appellate court had abated for non-substitution of the appellant No.3.

From perusal of the judgment sought to be reviewed, I find that this decision was referred by the learned counsel for the petitioner at the time of hearing of the appeal which has been noticed in the judgment.

Therefore, in my opinion, on the same set of fact and law,

this Court cannot decide the review application as if this Court is sitting in appeal against the judgment sought to be reviewed. No error apparent on the face of the record is pointed out. The argument was advanced on merit.

In view of the above facts, I find no reason to interfere with the impugned judgment in review jurisdiction. Thus, this review application is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

U			
---	--	--	--