

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.122 of 2016

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Saffra Khatoon daughter of late Muzzafer Hussain wife of late Hadaittulah Mian
resident of village-Fursatpur, P.S.-Persa at present P.S. Derni, District-Saran at
present resident of village-Arna, P.S. Bheldi, District-Saran.

.... Petitioner/s

Versus

1. Ebrar Ahmed son of Mustaque Ahmed.
2. Ishrat Zahan wife of Mustaque Ahmed.
3. Iffat Zahan @ Naaz, daughter of Mustaque Ahmed.
4. Farhat Zahan @ Guriya, daughter of Mustaque Ahmed.
5. Apsana Khatoon daughter of Mustaque Ahmed.
6. Asrar Ahmed son of Mustaque Ahmed, all resident of village-Fursatpur, P.O.
Sutihar P.S. Derni, District-Saran.
7. Moinul Haque.
8. Niyaz Ahmed, both opposite party no. 7 and 8 are sons of late Abdul Hakim,
both resident of village-Jitwarpur, P.S.-Derni, District-Saran.
9. Fzaz Ahmed son of Mohammad Khan.
10. Rahmatullah Ansari son of late Emam Ali Ansari, resident of village-Sutihar
Tola P.S. Derni, District-Saran.
11. Raushan Ara wife of Mohammad Rafique, resident of village-Fursatpur,
Pragana-Goa, P.S. Persa at Present P.S. Derni, District-Saran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Digvijay Narayan Singh, Adv.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 18-05-2016

Heard learned counsel for the petitioner.

The present application has been filed for review of the
judgment and order dated 16.02.2016 passed in C.R. No. 13 of 2016.

After considering the submissions and from the perusal of the records, it transpires that the civil revision application was filed for setting aside the order in a miscellaneous case whereby the prayer for setting aside the ex parte decree filed by the defendants was allowed. It appears from the impugned order in the civil review application that the learned court below had passed the order after considering the entire facts and circumstances of the case including the statement made on behalf of the opposite party-petitioner that the case record did not contain any order directing the suit to proceed for hearing ex parte against the defendants.

The submission on behalf of the review petitioner has centred around re-appreciating the facts and submission again. It is well settled that the review jurisdiction cannot be invoked as appellate jurisdiction in disguise. This Court, however, has also not been persuaded to find any error apparent on the face of record or sufficient reason for review of the judgment dated 16.02.2016 passed in C.R. No. 13 of 2016.

The review application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

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