

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3359 of 2014

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Mosmat Fudiya Devi

.... Petitioner/s

Versus

Ram Krishna Yadav & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 08-01-2016

Heard the learned counsel for the petitioner.

By the impugned order dated 28.11.2013, the learned Sub Judge I, Madhepura in Title Suit No.19 of 2012 rejected to review the order as contained in Annexure 4.

It appears that the plaintiffs-respondents filed suit for specific performance of contract. During the pendency of the suit, the parties compromised and pursuant to the compromise, registered sale deed was executed with respect to some portion of the property for which the suit for specific performance of contract was filed. Thereafter, compromise application was filed in the case. The plaintiff filed objection to the recording of the compromise on the ground that the compromise application is forged and he has not signed the compromise application. The Court below by Annexure 4 i.e. order dated 27.05.2013(wrongly written as 27.05.2012) accepted the plaintiff's case and instead of

recording the compromise rejected the said compromise application. Thereafter, review application was filed. The Court below by the impugned order dated 28.11.2013 considering all aspects of the matter rejected the review application holding that this is not a case of review.

Since the order impugned is passed in exercise of review jurisdiction, this Court cannot examine the correctness or otherwise of the order sought to be reviewed or cannot examine the error apparent on the face of the record in supervisory jurisdiction under Article 227 of the Constitution of India particularly when the Court below has found that no case of review has been made out.

Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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