

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.203 of 2015

In

Civil Writ Jurisdiction Case No. 4933 of 2011

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1. Umesh Singh S/o Late Kamla Singh resident of Village - Suitha, P.S. - Parsa Bazar, District - Patna.

.... Petitioner/s

Versus

1. Sanju Kumari W/o Munna Kumar and daughter of Umesh Singh resident of Village - Dudhiya, P.S. - Akilpur, Via - Danapur, District - Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL

ORAL ORDER

2 13-01-2016

Heard Mr. Singh in support of the application which seeks review of the order dated 17.8.2015 passed in C.W.J.C. No. 4933 of 2011.

The plaintiff of Title suit no. 361 of 2003 filed the review application challenging the legality of the order dated 09.12.2006 passed by the trial Court on a petition filed by the him under Section 114 of the Code of Civil Procedure. Be it noted, the application seeking amendment in the plaint was earlier rejected by the learned trial court vide order dated 28.5.2010. The same is not under challenge in the writ petition. The trial Court, on a consideration of the submissions made by the petitioner did not find merit in the said application which was dismissed. Against dismissal of the review petition, the present writ application was filed which was dismissed on merit.

The suit was filed by the plaintiff for a declaration

that the suit land did not belong to the defendant who was the daughter of the plaintiff from the second wife. A further declaration was sought that the defendant had no right to sale the land. In para 2 of the plaint it was stated that after the death of his first wife, he solemnized second marriage. The parties, on the basis of the pleadings, went to trial inasmuch as after framing of issues witnesses were examined. At a delayed stage the application was filed seeking amendment in para 2 of the plaint that in fact, the plaintiff had married second time during the life time of his wife. The trial Court rejected the same setting out reason(s) therefor.

In exercise of power conferred under Article 227 of the Constitution of India, the Court is not required to correct each and every error, if any, committed by the trial Court until the same is shown to be demonstrably perverse and/or wholly unsustainable in law. The review jurisdiction of the Court is limited. The parties cannot be allowed re-hearing of the case.

Considering the facts and circumstances of the case as also the narrow confines of the jurisdiction invoked by the petitioner, I am not inclined to grant the application. It is, accordingly, dismissed.

(Kishore Kumar Mandal, J)

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