

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Civil Review No.202 of 2014
IN
SA 202 of 2005**

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1. Nagina Manjhi.
 2. Shambhu Manjhi, both sons of Doma Manjhi.
 3. Bandhu Manjhi @ Bannu Manjhi.
 4. Sanu Manjhi.
 5. Bangali Manjhi.
 6. Bajindar Manjhi, both sons of late Manki Manjhi.
 7. Laljhari, daughter of late Manki Manjhi.
 8. Ugiya Devi, wife of late Rajendra Manjhi, daughter in law of late Manki Manjhi.
 9. Krishna Manjhi, son of late Rajendra Manjhi.
 10. Patasia.
 11. Chhathia, both daughter of late Lagan Manjhi, all residents of village-Salempatti, P.S. Mirganj (at present Uchkagaon), District-Gopalganj.

.... Petitioner/s

Versus

1. Fulena Singh.
2. Ramnath Singh, sons of Jamuna Singh.
3. Most. Muneshwari, wife of Jamuna Singh.
4. Chandra Ghosh @ Mantoo Singh, son of Bishwanath Singh.
5. Chameli wife of Bishwanath Singh.
6. Nathuni Singh.
7. Mangal Singh, sons of Girdhari Singh.
8. Madan Majhi, son of Sheo Manjhi.
9. Sansnath Manjhi.
10. Prabhunath Manjhi.
11. Chhotelal Manjhi, sons of Deoraj Manjhi.
12. Sheonand Manjhi.
13. Dina Manjhi, both sons of late Jangi Manjhi, nos. 1 to 13 all are resident of village-Salempatti, P.S. Mirganj (at present Uchkagaon), District-Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 11-05-2016

Heard Mr. Naresh Chandra Verma, learned counsel for the petitioners.

This application has been filed for review of the judgment dated 11.03.2014 passed in S.A. No. 202 of 2005.

Mr. Verma, learned counsel for the petitioner has submitted that the judgment of both the courts below are vitiated for the reason that there was no issue framed with regard to partition between the three brothers namely, Jahali, Ishwar and Tapasi but the said fact has not been considered by this Court while passing the judgment under review. It has been contended that even after accepting that Jahali did not die issueless still the finding by both the courts below that he died in state of separation from his two brothers cannot be sustained on the basis of the evidence on record. It has also been contended that the learned courts below ought to have held the plaintiffs to be entitled to 2/3rd share in the suit property.

After perusal of the judgment under review, this Court finds that the above submissions have been considered and thereafter it has been held that there is no substantial question of law arising for consideration in the appeal. As such, this Court does not find that

there is apparent error on the face of the record or any sufficient reason justifying the prayer for review of the judgment passed in S.A. No. 202 of 2005. It is well settled that the review jurisdiction is distinct from the appellate jurisdiction and therefore the prayer for review made in disguise of an appeal cannot be established.

This Court therefore does not find merit in this review application which is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

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