

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.462 of 2013

IN

C.R. 835 of 2009

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Sayed Eqbal Ahmad Ali @ Sayeed Iqbal Ahmad Son Of Late Sayed Khaja Ahmad Ali R/O Mohalla Dilwarpur Ps Kotwali Munger, District Munger

.... Petitioner

Versus

1. Sahnaj Khatoon, Wife of Prof. Sabbir Hassan, R/o Mohalla-New Colony, Kanela Road, Purab Sarai, P.S.- Kotwali, District-Munger.
2. Hafizan Wife Of Shri Prakash Sharma R/O Mohalla Sarwan Bazar, Topkhana Bazar, P.S. Kotwali (Munger) District-Munger

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. SUNIL KUMAR ALIAS SHARMA

For the Respondent/s : Mr. null

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 05-10-2016

Heard Mr. Sharma, learned counsel appearing for the petitioner and Mr. Pramod Kumar Sinha, learned counsel appearing for the opposite parties.

This review application has been filed praying for review of the order dated 26.08.2013 passed in C.R.No.835/2009. The review petitioner was the petitioner in the civil revision application which was filed against the order by which the restoration petition filed by the petitioner in the suit was dismissed. The order under review was passed after hearing the petitioner and the opposite parties and thereafter the revision application was dismissed finding that no mistake was committed by the trial court.



Mr.Sharma, learned counsel for the petitioner has submitted that the learned court below has committed error of jurisdiction in dismissing the suit when the suit was posted for judgment and at that stage the suit could not have been dismissed for default. It has been further submitted that the petitioner was the plaintiff in that suit and he had suffered irreparable loss and injury by dismissal of the suit for default and thereafter the dismissal of the revision application. It has also been contended by the learned counsel that the revision application itself was not maintainable as subsequently it was laid down that no revision was maintainable against such an order. Lastly, learned counsel has prayed that some protection be granted to the petitioner by restoring the suit.

Learned counsel for the opposite parties has submitted that no ground for review of the order has been made out.

After considering the submissions and the materials on record, this Court does not find that any error apparent on the face of the record or any sufficient reason could be pointed out on behalf of the petitioner for grant of the review as prayed. The submission on behalf of the petitioner has mainly centered around the merits of the revision application itself but in view of the well defined distinction between the jurisdiction in appeal and jurisdiction in review, this Court is not persuaded to accept the submissions on behalf of the petitioner.



This Court comes to the conclusion that the review application has no merit and is, accordingly, dismissed.

(V. Nath, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	

