

HIGH COURT OF CHHATTISGARH, BILASPUR**Review Petition No. 141 of 2016**

- Ajit Kumar Singh S/o Shri Kapil Dev Singh, Aged About 44 Years R/o M.I.G.- 27, Sector-4, Deendayal Upadhyaya Nagar, Raipur, Police Station- Pt. D D U Nagar, Raipur, District Raipur, Chhattisgarh

---- Applicant**Versus**

1. State Of Chhattisgarh Through The Secretary, Panchayat & Rural Development Department, Mantralaya Mahanadi Bhawan, New Raipur, P.S. Rakhi, District Raipur, Chhattisgarh
2. The Chief Engineer, Rural Engineering Services, Office Of Development Commissioner Chhattisgarh, Raipur, Police Station- Civil Line, Raipur, District- Raipur, Chhattisgarh

---- Non-applicants

For Applicant
For State

Mr. Tridib Bhattacharya, Advocate
Ms. M. Asha, Panel Lawyer

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****19.10.2016**

1. Heard on I.A. No. 1/2016 which is an application for condonation for delay.
2. For the reasons assigned in the said application seeking for condonation of delay and the same found to be satisfactory, the I.A. No.1 is allowed. The Delay of 53 days in filing the present Review Petition is condoned.
3. The Review Petition has been preferred seeking for review of judgment dated 21.06.2016 passed in W.P.S. NO.1461/2013.
4. Before entering into the merits of the case, this Court is of the opinion that the ground raised by the Applicant have not been agitated during the course of hearing of the said Writ Petition when it was being finally decided. The grounds which has been put forth for revision of the judgment were not argued at the time when the matter was finally being

heard. In fact the Counsel for the Petitioner had adopted the entire arguments that were made by the arguing counsel Sh. Mateen Siddiqui. Admittedly the Counsel did not argue the issues which has been raised in the present Review Petition.

5. As such grounds which have been raised now in the present Review Petition can not be a ground for reviewing the judgment. If review is allowed on merits it would amount to sitting over the said impugned judgment. Appropriate remedy would be challenging the said judgment on its merits before appellate forum.
6. So far as review jurisdiction is concerned, review petition can be entertained only in case if there is an error of law or fact apparent on face of the record or error made to the extent or an error so arisen on the finding of facts which the Petitioner had advanced during argument, which the court has not considered. But in the instant case admittedly ground raised now were not argued during the course of the hearing of Writ Petition. Thus, the same cannot be reconsidered exercising the powers of review jurisdiction conferred upon this Court. The power of review has to be exercised strictly in accordance with Order 47 Rule 1 of CPC.
7. In the opinion of this Court no strong case has been made out for reviewing the impugned judgment dated 21.06.2016.
8. Accordingly, the Review Petition stands dismissed.

Sd/-

(P. Sam Koshy)
JUDGE