

HIGH COURT OF CHHATTISGARH AT BILASPUR

Review Petition No. 22 of 2016

Dau Lal, S/o. Uday Ram, Aged About 58 Years, Cast- Satnami, R/o. Village- Kukda, P.S. & Tah. Palari, Dist. Baloda Bazar-Bhatapara, Chhattisgarh

---- Applicant

Versus

1. Lal Singh, S/o. Bisouha Satnami, Aged About 63 Years, R/o. Village- Kukda, P.S. & Tah. Palari, Dist. Baloda Bazar-Bhatapara, Chhattisgarh
2. State Of Chhattisgarh, Through- Collector, Baloda Bazar-Bhatapara, Dist.- Baloda Bazar-Bhatapara, Chhattisgarh

---- Respondents

(By Circulation in Chamber)

Hon'ble Shri Justice Goutam Bhaduri

ORDER

31.03.2016

1. The matter is taken up for consideration in the Chamber under provisions of sub-rule 2 of Rule 90 under Chapter-VI of the High Court of Chhattisgarh Rules, 2007.
2. By this petition, review of the order dated 05.02.2016, passed in Second Appeal No. 25 of 2015, has been sought for.
3. Perusal of the order shows that all the substantial facts and law were considered while appeal was heard and the applicant was given proper opportunity of hearing. Reading of the review petition would show that fresh detailed facts have been pleaded.
4. The prayer made in the review petition appears to be misconceived. The applicant has not pointed out any manifest error on the face of record and he has not brought to the notice of this Court any new facts which could not be produced earlier.

5. It is well settled principles of law that the review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of the Code of Civil Procedure. It appears that the applicant by filing this review petition seeks an opportunity to argue the entire case afresh on merits under the garb of the review petition, which is not permissible and tenable in law. It is also well settled that under the garb of review petition, the applicant should not be permitted to argue the entire case afresh which would amount to convert the review petition into an appeal and the same is not sustainable in law.
6. Further Hon'ble the Apex Court in ***State of West Bengal and others Vs. Kamal Sengupta and another (2008) 8 SCC 612*** held in para 22 that mistake or error apparent signifies an error which is evident *per se* from the record of the case and does not require detailed examination, scrutiny and elucidation either of the facts or the legal position. If an error is not self-evident and detection thereof requires long debate and process of reasoning, it cannot be treated as an error apparent on the face of the record for the purpose of Order 47 Rule 1 CPC.
7. Therefore, in view of the above settled proposition of law, no grounds for review is available to the applicant against the impugned order.
8. In a result, the review petition is without any substance, the same deserves to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge