

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Review Petition No.107 of 2015**

Savitri Bai D/o Late Jhilangi Satnami, Aged About 65 Years
Agriculturist R/o Village Kharsola Tahsil & P. S. Mungeli, District
Mungeli (Wrongly Mentioned In Order District Bilaspur)
Chhattisgarh(Defendant)

---- Applicant**Versus**

1. Bhuneshwar @ Bhoi S/o Surja Seth, Aged About 65 Years R/o
Village Dhardeyi P. S. & Tahsil Mungeli District Mungeli
(Wrongly Mentioned In Order District Bilaspur) Chhattisgarh
2. State Of Chhattisgarh, Through Its Collector District Mungeli,
(Wrongly Mentioned In Order District Bilaspur) Chhattisgarh

---- Respondents

Shri Suresh Kumar Pandey, counsel for the applicant.
Shri MK Bhaduri, counsel for respondent No.1.
Smt. M. Asha, Panel Lawyer for the State/respondent No.2.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order****12.01.2016**

Heard on IA No.01, application under Section 5 of the Limitation Act for condonation of delay in filing the instant petition as the petition is barred by limitation of one day.

2. It is submitted on behalf of the applicant that as the applicant is a poor illiterate lady, not known about the provisions of law, could not file the petition within its limitation. Hence, the delay may be condoned.

3. On due consideration for the reasons mentioned in the application, IA No.01 is allowed and the delay in filing the review petition by one day is hereby condoned.

4. Also heard on admission.

5. It is submitted on behalf of the applicant that the plaintiff/respondent No.1 was not having any status to file the suit.

The Court below has wrongly appreciated the provisions as contained in Section 8 of the Hindu Succession Act, 1956. He further submits that the applicant has taken the ground for review which is on paragraph 2.2, 2.3 and 2.4 of the petition and the same is not appreciated by this Court properly, hence, it is submitted that the instant petition be admitted for consideration and after hearing the matter finally, relief as prayed by the applicant in the petition may be allowed and the Court may set aside the order dated 17.7.15 passed in SA No.41/14.

6. The scope of review under Section 114 read with Order 47 Rule 1 of the Code of Civil Procedure, 1908 is of very limited. This Court upon hearing the matter has already been passed the order on 17.7.2015 by considering the entire material available for the appellant in the second appeal on admission under Order 41 Rule 11 read with Order 42 Rule 1 of the CPC and after hearing at length, it is held that no any substantial question of law exists for hearing in the second appeal.

7. On due consideration, this Court find that there is no any matter worth for the admission of second appeal under the provisions for hearing on its merits. I do not see any reason to hold that there is any scope of review available presently to the applicant. Consequently, the instant review petition is dismissed on the motion stage itself. No order as to cost.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE