

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.239 of 2017**

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Ram Kripal Singh

.... Petitioner/s

Versus

Jokhu Rai & Anr

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Subash Kumar

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

2 10-02-2017

Heard the learned counsel for the petitioner.

Perused the impugned order dated 19.12.2015 passed by learned 7th Additional District Judge, Rohtas, Sasaram in Title Appeal No.99 of 1996 whereby the learned A.D.J. has rejected the application filed by the defendant-appellant under Order 41 Rule 27 C.P.C.

From perusal of the impugned order, it appears that the court below considered all the facts and circumstances of the case and considering the position in law has rejected the application. The review application has also been rejected by the court below considering the decision of the Supreme Court referred to in the order.

The Supreme Court in the case of **Union of India v. Ibrahim Uddin and another, (2013) 1 PLJR 48(SC)** has held that the appellate court has no jurisdiction to permit a person to



adduce additional evidence unless the provision as contained in Order 41 Rule 27(a)(aa) and (b) is made out. If the evidences on record are sufficient to pronounce a judgment in satisfactory manner merely because the applicant files the application for adducing additional evidence, the appellate court cannot permit the same.

So far review is concerned, the Hon'ble Supreme Court in **AIR 2013 Supreme Court 3301** has held that while exercising the jurisdiction under Order 47 Rule 1, the court must remember that it is not exercising appellate jurisdiction or revisional jurisdiction. If there is error apparent on the face of the record, then only it can be interfered with. So far error apparent on the face of the record is concerned, it is not necessary to fish it out by lengthy argument. It should be apparent from the face of the record.

Thus, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. Accordingly, this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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