

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.199 of 2017

IN

Civil Writ Jurisdiction Case No. 20171 of 2016

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1. Shankar Prasad Modi S/o Late Kuldeep Modi, R/o Kutubganj, P.S.- Mojahidpur, District- Bhagalpur.
 2. Yogendra Mandal Son of late Billu Mandal R/o Village- Khutaha, P.S.- Lodipur, District- Bhagalpur.
 3. Ramchandra Mandal son of late Billu Mandal R/o Village- Khutaha, P.S.- Lodipur, District- Bhagalpur.
 4. Mahendra Mandal Son of late Bittu Mandal R/o Village- Khutaha, P.S.- Lodipur, District- Bhagalpur.
 5. Santosh Kumar Son of Panchu Mandal R/o Village- Khutaha, P.S.- Lodipur, District- Bhagalpur.
 6. Radha Mishra Wife of Sri Deepak Kumar Jha R/o Mohalla Suryalok Colony, P.S.- Mojahidpur, District- Bhagalpur.
 7. Reeta Rani Wife of Sri Rakesh Kumar R/o Mohalla Tilkamanjhi, Shitla Asthan Road, P.S.- Tilkamanjhi, District- Bhagalpur.
 8. Purushottam Kumar Yadav Son of Sri Kedar Yadav R/o Village- Kutaha, P.S.- Lodipur, District- Bhagalpur.
 9. Bijay Kumar Son of late Balram Sah R/o D.N. Singh Road, P.S.- Adampr, District- Bhagalpur.
 10. Sweta Ghosh W/o Sri Purushottam Kumar Ghosh R/o Mohalla Adampur, T.N. Singh Road, P.S.- Adampur, District- Bhagalpur.
 11. Ajay Kumar Singh Son of late Yogeshwar Prasad Singh R/o Mohalla Adampur, Red Cross Road, P.S.- Adampur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Road Transport & Highways, New Delhi.
2. The State of Bihar through Chief Secretary, Bihar, Patna.
3. The Principal Secretary, Road Construction Department, Govt. of Bihar, Patna.
4. The District Magistrate, Bhagalpur.
5. The Superintending Engineer National Highways, Zero Mile, Bhagalpur.
6. The Executive Engineer, National Highways, Zero Mile, Bhagalpur.
7. The Project Manager, M/S G.R. Infra Projects Ltd. Camp at Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Advocate
For the Respondent/s : Mr. R.B.P.YADAV (AAG- XI)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 29-06-2017



This application has been filed for review of the judgment and order dated 4.5.2017 passed by this Court in C.W.J.C. No.20171 of 2016.

In view of the law laid down by the Hon'ble Supreme Court in the case of Sasi (Dead) Through Legal Representatives vs. Arabindakshan Nair And Anr., (2017) 4 SCC 692 in which the principle of law has been laid down in paras 6 to 9 in the following manner, we find no case made out for review. Paragraph Nos.6 to 9 of the judgment reads as under:

6. The grounds enumerated therein are specific. The principles for interference in exercise of review jurisdiction are well settled. The Court passing the order is entitled to review the order, if any of the grounds specified in the aforesaid provision are satisfied.

7. in *Thungabhadra Industries Ltd. V. State of A.P.*, the Court while dealing with the scope of review had opined:

“11. What, however, we are now concerned with is whether the statement in the order of September 1959 that the case did not involve any substantial question of law is an “error apparent on the face of the record”. The fact that on the earlier occasion the Court held on an identical State of facts that a substantial question of law arose would not per se be conclusive, for the earlier order itself might be erroneous. Similarly, even if the statement was wrong, it would not follow that it was an “error apparent on the face of the record”, for there is a distinction which is real, though it might not always be capable of exposition, between a mere erroneous decision and a decision which could be characterised as vitiated by “error apparent”. A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected,



but lies only for patent error”. (emphasis supplied)

8. In *Parsion Devi v. Sumitri Devi*, the Court after referring to *Thungabhadra Industries Ltd., Meera Bhanja v. Nirmala Kumari Choudhary* and *Aribam Tuleshwar Sharma v. Aribam Pishak Sharma*, held thus:

“9. Under Order 47 Rule 1 CPC, a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under Order 47 Rule 1 CPC. In exercise of the jurisdiction under Order 47 Rule 1 CPC it is not permissible for an erroneous decision to be “reheard and corrected”. A review petition, it must be remembered, has a limited purpose and cannot be allowed to be “an appeal in disguise”.”

9. The aforesaid authorities clearly spell out the nature, scope and ambit of power to be exercised. The error has to be self-evident and is not to be found out by a process of reasoning. We have adverted to the aforesaid aspects only to highlight the nature of review proceedings.”

In view of the above, the application is rejected.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

K.C.jha/-

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CAV DATE	N/A
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