

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.393 of 2016

IN

SA 84 of 2014

- =====
1. Ahilya Devi, Wife of Late Madan Prasad Sah.
 2. Kailash Kumar Sah, Son of Late Madan Prasad Sah.
 3. Subodh Kumar Sah, Son of Late Madan Prasad Sah.
 4. Sanjay Kumar Sah, Son of Late Madan Prasad Sah.
Sl.No.1 to 4 Resident of Mohalla-Baniya Tola, Bara Bazar, Purana Dharamshala, P.O.+P.S.+District-Katihar.
 5. Anju Devi, D/o Late Madan Prasad Sah, Wife of Gopal Prasad Sah, Resident of Village-Hafla, P.O.-Hafla, P.S.-Manasahi, District-Katihar.
 6. Chanchala Devi, D/o Late Madan Prasad Sah, Wife of Rajendra Prasad Sah, Resident of Village+P.O.-Narayanpur, P.S.-Narayanpur, District-Bhagalpur.
 7. Archana @ Gudiya Devi, D/o Late Madan Prasad Sah, Wife of Om Prakash Sah, Resident of Rajmahal, District-Sahebganj.

.... Petitioners

Versus

Smt. Kamo Devi, Wife of Tarini Prasad Sah, Resident of Mohalla-Baniya Tola, Bara Bazar, Purana Dharamshala, P.O.+P.S.+ District-Katihar.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Jibendra Mishra

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 11-01-2017

Heard Mr.Jha, learned counsel appearing for the petitioner in this review application.

This review application has been filed praying for review of the judgment dated 21.06.2016 passed in S.A.No.84/2014.

From the perusal of the judgment under review, it transpires that the



said second appeal was filed against the judgment and decree of eviction passed against the appellants on the ground of default in payment of rent. In the judgment under review, this Court took into notice that there was concurrent finding of fact on the issue of default and further after coming to the conclusion that the said finding was not perverse or unreasonable in any manner, this Court dismissed the second appeal holding that there was no substantial question of law arising for consideration in the appeal.

Mr.Jha, learned counsel for the review petitioners has submitted that the petitioners were not at all defaulter in payment of rent but this fact and related evidence could not be brought to the notice either before the appellate court below or before this Court at the stage of second appeal. The learned counsel has also referred to the order sheet of the Title (Eviction)Suit No.01/2002 in order to support his contention that the petitioners did not commit default in payment of rent. During the course of submission, however, the learned counsel has accepted that the relevant plea or supporting material in this regard was not mentioned either in the memo of the second appeal or during the course of submission.

After considering the submissions and perusal of the judgment and decree of the appellate court below, this Court comes to the conclusion that the judgment under review was passed after



considering the materials on record, findings of the courts below as well as the submissions made on behalf of the petitioners. This Court does not find that there is any error apparent on the face of the record or any other sufficient reasons for invoking review jurisdiction in the present facts and circumstances.

In result, this review application is dismissed.

(V. Nath, J)

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