

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.196 of 2014

In
SA 80 of 2001

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Rajesh Kumar & Ors

.... Petitioner/s

Versus

Afroz Jahan & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sharma

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

16 30-06-2017 **1.** Heard the learned counsel, Mr. Ranjan Kumar Dubey, for the petitioner and the learned counsel, Mr. Abdul Manan, for the opposite parties.

2. The petitioners have filed this review application for reviewing the Judgment dated 01.11.2013 passed by me in Second Appeal No.80 of 2001 whereby the Second Appeal was allowed and the judgment and decree of the lower appellate Court was set aside. The judgment and decree of the trial Court was restored.

3. It appears that the petitioners thereafter filed petitions for Special Leave to Appeal (Civil) C.C. No.4822 of 2014. After hearing the petitioner, the Hon'ble Supreme Court by order dated 04.04.2014 passed the following order :-

“Delay condoned.



After some arguments, the learned counsel for the petitioners sought permission to withdraw the Special Leave Petition with liberty to move before the appropriate forum for appropriate relief. Liberty is granted without any liberty to challenge the very same impugned order before this Court. The Special Leave Petition is dismissed as withdrawn.”

4. After the above order, the petitioners have filed this review application. The main grievance of the petitioners is that these petitioners have not been heard at the time of final hearing of the Second Appeal and secondly that this Court while allowing the Second Appeal has not properly considered the evidences ext. ‘9’, ext.‘5’, ext.‘7A’ which resulted in the judgment sought to be reviewed.

5. So far the first ground that these petitioners were not heard is concerned, from perusal of the Vakalatnama filed in the Second Appeal, it is clear that the petitioners were represented by the learned counsel, Mr. Durgesh Kumar Singh, who was also appearing on behalf of the respondent No.1 who is admittedly vendor of these petitioners and these petitioners are the subsequent purchasers from respondent No.1 during the pendency of the



Second Appeal.

6. So far the ground that while allowing Second Appeal, this Court did not consider properly various documentary evidences is concerned, in my opinion, it is not a ground for review. It relates to the merit of the case regarding appreciation of evidence.

7. Therefore, in view of the above facts, no case for review is made out and accordingly, this review application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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