

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.445 of 2013

IN

LPA 308 of 2011

=====

1. Amresh Thakur @ Amresh Kr. Thakur S/O Late Bishwanath Thakur Resident Of Village Khushi, P.O. Baruraj, District Muzaffarpur.
2. Viresh Thakur @ Viresh Kumar Thakur S/O Late Bishwanath Thakur Resident Of Village Khushi, P.O. Baruraj, District Muzaffarpur.
3. Akhilesh Thakur S/O Late Bishwanath Thakur Resident of Village Khushi, P.O. Baruraj, District Muzaffarpur.
4. Nila Devi D/O Late Bishwanath Thakur W/O Lal Saran Singh Resident of Village Subeia, P.S. Sahebganj, District Muzaffarpur.
5. Veena Devi @ Veena Kumari D/O Bishwanath Thakur W/O Late Arbind Kumar Thakur R/O Village & P.S. Madhopur, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. The Additional Member Board of Revenue.
3. The Collector, Muzaffarpur.
4. The Deputy Collector, Land Reforms, Crest Muzaffarpur, District Muzaffarpur.
5. Devendra Ojha S/O Late Haridwar Ojha R/O Village Jagdishpur @ Sriabiya, P.S. Baruraj, District Muzaffarpur.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. S.Q. Khan, Adv.

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

and

HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

Date: 12-04-2017

Heard learned counsel for the petitioner.

2. by the present application under Section 114 read with Section 151 of the Code of Civil Procedure, 1908, the petitioners seek review of the order dated 7th October, 2013 passed in L.P.A. No. 308 of 2011 whereby the intra-Court appeal preferred against the



judgment and order dated 30th August, 2010 passed by the learned Single Judge in C.W.J.C. No. 7122 of 2003 has been dismissed.

3. The learned Single Judge had rejected the claim for preemption made by the predecessor of the petitioners on the premise that he was neither a co-sharer nor an adjoining raiyat. The challenge to the order passed by the learned Single Judge in the writ application failed before the Division Bench as the Division Bench was of the opinion that the aforesaid finding had not been dislodged by the petitioners.

4. Learned counsel for the petitioners submitted that the order dated 7th October, 2013 suffers from error of facts as well as error of law. He submitted that the finding of the order under review could not have been a possible view having regard to the facts and circumstances of the case. He submitted that several grounds favourable to the petitioners were not considered by the Division Bench while passing the order under review.

5. In order to satisfy ourselves, we have also examined the materials on record. We find no error apparent on the face of the record. It is well settled that a party is not entitled to seek review of a judgment merely for the purpose of re-hearing and fresh decision of the case. It is also well settled that the Court may correct the mistake but not to substitute the view. The mere possibility of two views on



the subject is not a ground for review. Review of an earlier order cannot be done unless the Court is satisfied that the material error manifest on the face of the record undermines its soundness or results in miscarriage of justice.

6. We are of the opinion that in the application under consideration the petitioners have failed to establish that there was an error or mistake or there was such other material available with the petitioners which, if not taken into consideration, would cause miscarriage of justice.

7. In view of the above discussion, the present review application is dismissed.

(Ashwani Kumar Singh, J)

(Chakradhari Sharan Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	17-04-2017
Transmission Date	

