

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.259 of 2017

In

Civil Writ Jurisdiction Case No. 2289 of 2012

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1. The Punjab National Bank through its Chairman PF & Pension Fund Department, 3rd Floor, Rajendra Bhawan, Rajendra Place, New Delhi- 110008.
 2. The General Manager, Provident Fund and Pension Fund Department, Head Office 3rd Floor Rajendra Bhawan, Rajendra Place, New Delhi- 110008.
 3. Chief Manager, Punjab National Bank, Boring Road, Patna.
 4. Branch Manager, Punjab National Bank, Mohini (Mahua Gachhi), Patna.
 5. Branch Manager, Punjab National Bank, Rishiap of Branch, District- Aurangabad.

.... Respondents-Review Petitioner

Versus

Raghubir Singh, S/o Late Nageshwar Singh, resident of Village- Jhajhilal, P.S.- Pupri, District- Sitamarhi.

.... Petitioner-Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Raj Nandan Prasad, Advocate

For the Respondent/s : Mr. Amarendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 11-10-2017

By way of the present civil review application preferred under Order XLVII Rule 1 of the Code of Civil Procedure, the petitioners, who were respondents in C.W.J.C. No.2289 of 2012 seek review of the order dated 13.03.2013 passed in C.W.J.C. No.2289 of 2012.



2. The aforesaid order dated 13.03.2013 was challenged by the petitioners in L.P.A. No.1141 of 2013, which was dismissed by a Division Bench of this Court vide order dated 10.01.2017 observing:-

“Heard learned counsels for the parties.

Certain new facts are incorporated and brought on record to assail the decision of the Learned Single Judge, passed in C.W.J.C. No.2289 of 2012.

These additional materials or ground or evidence cannot form the basis of setting aside the order of Learned Single Judge, who did not have any opportunity to look into those materials which is being used at the time of argument in appeal.

This appeal is dismissed.

If the appellants feel that a case for review is made out, they may take appropriate steps in this regard.”

3. It is on the basis of the observation made in the last paragraph of the order passed in L.P.A. No.1141 of 2013, the petitioners have filed the present review petition.

4. Mr. Raj Nandan Prasad, learned counsel appearing for the petitioners submitted that the writ petition was disposed of by the learned Single Judge without affording any opportunity to the petitioners to file counter affidavit in the matter. He submitted that



several facts relevant for disposal of the writ petition could not be considered by the writ Court earlier, as no counter affidavit was filed on behalf of the petitioners (respondents).

5. On perusal of the record of C.W.J.C.No.2289 of 2012, it would be manifest that the matter was first taken up by the Court on 03.02.2012 and on that date, the Court ordered the application to be placed side by side with C.W.J.C. No.5629 of 2011. It also observed that time in the meanwhile shall be utilized by the Respondent-Bank to file counter affidavit, if so advised. After 03.02.2012, the writ petition was taken up on 13.03.2013 and despite lapse of more than a year, the Respondent-Bank failed to file any counter affidavit and, in that view of the matter, the writ petition was disposed of on the basis of the materials available on record.

6. In view of the abovenoted facts, I do not see any merit in the submission of the learned counsel for the petitioners that while disposing of the writ petition, the petitioners (respondents) were not afforded any opportunity to file counter affidavit in the matter. I am also of the opinion that the fresh materials which have been brought by the petitioners cannot be made a ground for review of the order, which has been affirmed by the Division Bench of this Court.

7. Accordingly, the Civil Review petition, being



devoid of any merit, is dismissed.

r

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.10.2017
Transmission Date	NA

