

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No. 217 of 2014
IN
LPA 1010 of 2013

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Chandradeep Rai, Son of Late Ballu Rai @ Dullu Rai, resident of village-Sheetalpur (Siwanapur), P.S.- Dariyapur, District- Saran at Chapra.

.....Respondent/Respondent/Petitioner
Versus

1. The State of Bihar.
2. The Sub Divisional Officer, Sonapur, Saran.
3. The Circle Officer, Dariyapur.

..... Opposite Parties

4. Mrityunjay Mohan Son of Late Dhruv Narayan Pandey, resident of village-Sheetalpur Kothi, P.S.- Dariyapur, District- Saran.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Narendra Kumar Roy, Advocate
For the State : Mr. H. S. Roy, AC to PAAG-I
For Private Respondent : Mr. Nagendra Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)
Date: 22-03-2017

By way of the present application preferred under Order XLVII, Rule 1 of the Code of Civil Procedure, the appellant seeks review of the order dated 02.07.2014 passed in LPA No. 1010 of 2013 whereby the Letters Patent Appeal preferred against the order dated 04.7.2013 passed by the learned Single Judge in



CWJC No. 16101 of 2006 has been allowed and the aforesaid order passed by the learned Single Judge has been set aside.

2. During course of arguments, Mr. Narendra Kumar Roy, learned advocate for the petitioner has tried to justify the order passed by the learned Single Judge in CWJC No. 16101 of 2006. He has contended that while passing order dated 02.07.2014 in LPA No. 1010 of 2013, the Division Bench failed to appreciate the facts and law involved in the case.

3. On the other hand, Mr. Nagendra Rai, learned advocate, who appearing on private respondent no. 4, submitted 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. He submitted that the petitioner has failed to point out any error apparent on the face of record and in that view of the matter, the review application is not maintainable.

4. We find force in the submission made by Mr. Nagendra Rai, learned advocate appearing for private respondent no. 4.

5. It is well settled that review proceedings have to be fully confined to the ambit and scope of Order XLVII, Rule 1 of the Code of Civil Procedure. A party is not entitled to seek review of a judgment merely for the purpose of rehearing and fresh



decision of the case. A review is not a routine procedure. We cannot review our earlier order unless satisfied that material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice.

6. In **Satyanarayan Laxminarayan Hegde vs. Millikarjun Bhavanappa Tirumale** [AIR 1960 SC 137], the Supreme Court observed that an error which has to be established by a long drawn process of reasoning on points where there may conceivably be two opinions can hardly be said to be an error apparent on the face of the record.

7. In **Lily Thomas vs. Union of India** [(2000) 6 SCC 224], the above principle was reiterated by the Supreme Court with a caution that in exercise of power of review, the Court may correct the mistake but not to substitute the view. It held that mere possibility of two views on the subject is not a ground for review.

8. In view of the settled legal position as discussed above, having gone through the present review application, we are of the opinion that in the application, under consideration, the petitioner has failed to establish that there was an error or a mistake apparent on the face of the record or there was such other material available with the petitioner, which, if not taken into consideration, would cause miscarriage of justice.



9. In view of the above discussions, the present review application is dismissed.

(Ashwani Kumar Singh, J.)

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(Vikash Jain, J.)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.03.2017
Transmission Date	NA

