

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.383 of 2016

In
Second Appeal No.83 of 2012

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Shiv Nath Mehta @ Shiv Nath Mahto

... .. Petitioner/s

Versus

Raman Kumar & Ors

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Narayan Singh
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

7 13-10-2017 Heard learned counsel for the parties.

2. The petitioner seeks review of the judgment and order, dated 14.09.2015, passed by this Court in SA No. 83 of 2012. By the said judgment and order, dated 14.09.2015, this Court dismissed the second appeal with the categorical observations that the appellate Court below had decided the issues against the defendant/appellant upon scrutiny of the materials on record and there was no unreasonableness or perversity of any kind in the decision of the appellate Court below. This Court further held that no substantial question of law arose for consideration in the said second appeal.

3. Seeking review of the said judgment and order, following grounds are being taken :-

“I) For that non-consideration of the vital



issues and findings thereon, as substantial question law warrants review.

II) For that non-consideration of points based law as of limitation of Court fee, etc. Being substantial question of law warrants adjudication by the appellate court U/s 100 CPC.

III) For that the accidental slip deal with and incorporate the points of law in the judgment invokes review.”

4. There is no other ground taken in application seeking review. Upon perusal of the review application, I notice that no ground of apparent error in the judgment under review, resulting into miscarriage of justice, has been taken. No plea has been taken that this Court, while passing the said judgment and order missed to take into account any legal issue, which was crucial for determination of the case. The plea of “non-consideration of points based law as of limitation of court fee etc” cannot be a valid ground for seeking review of judgment, whereby a second appeal has been rejected on the ground that no substantial question of law arose from the case.

5. There is no plea taken in the review application that a substantial question of law in fact arises out of the case but could not be formulated by the Court because it missed to take into account any crucial fact or provisions of law or precedent having force of law.



- 6. I do not find any merit in this apploication.
- 7. This application is, accordingly, rejected.

(Chakradhari Sharan Singh, J)

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