

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.21 of 2017

IN

Civil Writ Jurisdiction Case No. 3341 of 2014

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Sujeet Kumar, son of late Durga Prasad, Ex- A.S.M., E.C. Railway, Garpura under
Samastipur Division, resident of Doctors Toli, Mokama, District-Patna.

.... Petitioner/s

Versus

The Union of India & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Munna Pd Dixit (M.P. Dixit), Advocate
Mr. S. K. Choubey, Advocate

For the Respondent/s : Mr. Anil Kumar Sinha (SC)

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 10-07-2017

Keeping in view the law laid down by the Supreme Court recently in the case of **Sasi (Dead) through Legal Representatives. versus Aravindakshan Nair and ors.** [(2017) 4 SCC 692] and the principles enumerated from paragraph 6 to 9 therein, if the case, in hand, is evaluated, we find that the errors pointed out do not fall within the category as detailed by the Supreme Court in Para 6 to 9 which read as under:-

“6. The grounds enumerated therein are specific. The principles for interference in exercise of review jurisdiction are well settled. The Court passing the order is entitled to review the order, if any of the grounds specified in the aforesaid provision are satisfied.

7. In *Thungabhadra Industries Ltd. v. Govt. of A.P.*: AIR



1964 SC 1372, the Court while dealing with the scope of review had opined: (AIR p. 1337, para 11)

“11. What, however, we are now concerned with is whether the statement in the order of September 1959 that the case did not involve any substantial question of law is an 'error apparent on the face of the record'. The fact that on the earlier occasion the Court held on an identical state of facts that a substantial question of law arose would not per se be conclusive, for the earlier order itself might be erroneous. Similarly, even if the statement was wrong, it would not follow that it was an 'error apparent on the face of the record', for there is a distinction which is real, though it might not always be capable of exposition, between a mere erroneous decision and a decision which could be characterised as vitiated by 'error apparent'. *A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected, but lies only for patent error.*” (emphasis supplied)

8. In *Parsion Devi v. Sumitri Devi*, (1997) 8 SCC 715, the Court after referring to *Thungabhadra Industries Ltd. v. State of A.P.*, AIR 1964 SC 1372, *Meera Bhanja v. Nirmala Kumari Choudhury*, (1995) 1 SCC 170, and *Aribam Tuleswar Sharma v. Aribam Pishak Sharma*, (1979) 4 SCC 389, held thus:

Under Order 47 Rule 1 Code of Civil Procedure a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error



apparent on the face of the record justifying the court to exercise its power of review under Order 47 Rule 1 Code of Civil Procedure. In exercise of the jurisdiction under Order 47 Rule 1 Code of Civil Procedure it is not permissible for an erroneous decision to be "reheard and corrected". A review petition, it must be remembered has a limited purpose and cannot be allowed to be "an appeal in disguise".

9. The aforesaid authorities clearly spell out the nature, scope and ambit of power to be exercised. The error has to be self-evident and is not to be found out by a process of reasoning. We have adverted to the aforesaid aspects only to highlight the nature of review proceedings.”

Therefore, the review application is not maintainable and the same is, therefore, dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

