IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.30 of 2017
In
C.Misc. 18 of 2017

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Mrs. Rupa Madhav & Ors

.... Petitioners

Versus

Sri Sharat Kumar & Ors

.... Opposite parties

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Appearance :
For the Petitioners : Mr. Syed Qaisar Hasan
For the Opp.Parties : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

3 03-04-2017 Heard learned Senior Counsel Mr. Anil Kumar Jha.

This review application has been filed by the petitioners for review of order dated 17.01.2017 passed by this Court in Civil Miscellaneous Case No.18 of 2017 whereby the civil miscellaneous application has been dismissed.

The main ground which is raised by the learned Senior Counsel is that this court has not properly appreciated the decision of the Supreme Court in the case of **M/s Umesh Goel Vs. Himachal Pradesh Cooperative Group Housing Society Ltd. reported in A.I.R. 2016 Supreme Court 3116.**

The learned Senior Counsel pointed out paragraph 26 of this decision and submitted that the court referred in Section 36 of the Arbitration and Conciliation Act, 1996 means the court defined under Section 2(e) of the said Arbitration and Conciliation Act.

So far this submission of the learned Senior Counsel is

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concerned, it was the submission in the civil miscellaneous case also and considering the submission and considering the decision of the Supreme Court, this court held that the court mentioned in Section 36 is different than the court defined under Section 2(e) of the Arbitration and Conciliation Act, 1996.

The Hon'ble Supreme Court in the case of **Kamlesh Verma Vs. Mayawati & Ors. (A.I.R. 2013 Supreme Court 3301)** has held that the jurisdiction and scope of review is not that of an appeal and it can be entertained only if there is 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.

In view of the above settled proposition of law with respect to the power to be exercised under Order 47 Rule 1 CPC, this ground that this court wrongly interpreted the decision of the Supreme Court in the case of **M/s Umesh Goel Vs. Himachal Pradesh Cooperative Group Housing Society Ltd. reported in A.I.R. 2016 Supreme Court 3116,** in my opinion, is not a ground for review. Accordingly, this review application is dismissed.

(Mungeshwar Sahoo, J)

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