

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Review Petition No. 153 OF 2016**

Firturam S/o Adhari Yadav, Aged About 72 Years Cultivator, R/o Village Pachari,
Tahsil and District Janjgir-Champa, Chhattisgarh

---- Applicant**Versus**

1. Laxmi Narayan S/o Tikaram Sharma, R/o Village Pachari, Tahsil and District Janjgir-Champa, Chhattisgarh
2. State of Chhattisgarh, through Collector, Janjgir-Champa, District Janjgir-Champa, Chhattisgarh

---- Non-applicants

For Applicant	:	Mr. H.B. Agrawal, Sr. Advocate with Ms. Prabha Sharma, Advocate
For non-applicant No. 2/State	:	Mr. Sanjeev Pandey, Govt. Advocate
For Non-applicant No. 1	:	None, though served.

Hon'ble Shri Justice Sanjay Agrawal**Order on Board****29/06/2017**

1. Heard on I.A. No. 01.
2. This is an application for condonation of delay of 1274 days in filing this review petition.
3. The said application was not opposed as non-applicant No. 1, the main contesting party has not appeared despite the service of notice upon him.
4. On due consideration, the application is allowed and the delay of 1274 days in filing this review petition is condoned.
5. Also heard on admission.

6. This review petition has been preferred by the defendant Firturam as per the provision prescribed under Order 47 Rule 1 of Code of Civil Procedure, 1908 by questioning the judgment dated 18/03/2013 passed by this Court in Second Appeal No. 827 of 1999.
7. The main contention of the applicant herein is that the impugned judgment has been passed on the ground that since no document was filed by the present applicant in order to establish the fact that the suit property, was given to him by late Tikaram, therefore, with this observation his appeal has been dismissed. It is contended that the material documents could not have been filed because of the mistake of his earlier counsel. It is submitted further that since the documents are old one and have been found after the delivery of the impugned judgment, therefore, there is no impediment in filing the same in this review petition. Lastly, he submits that the impugned judgment based upon these documents be set aside.
8. I have heard learned counsel for the applicant and perused the entire record carefully.
9. The impugned judgment was delivered by this Court on 18/03/2013 in Second Appeal No. 827 of 1999 by observing that the applicant Firturam has not filed any documents by which it could be held that the suit property was given to him by late Tikaram, except the document for the year 1928-29 showing his possession over the suit property. The documents which have been filed in this review petition is mainly with regard to the entires made in revenue papers, except the copy of order dated 25/11/1999 passed by the Additional Sessions Judge, Janjgir in a proceeding initiated under Section 145 of the Cr.P.C. It is the settled principles of law that any entires made in revenue papers do not confer any right, title or interest upon the party.

10. Be that as it may, the applicant may question the legality and propriety of the impugned judgment dated 18/03/2013 as passed by this Court in Second Appeal No. 827 of 1999 before the Hon'ble Supreme Court in Special Leave Petition by filing all these documents as required under the law by way of additional documentary evidence.
11. In view of the aforesaid facts, I do not find any merit in this petition. Accordingly, this review petition is dismissed at admission stage itself. There shall be no order as to costs.

Sd/-
(Sanjay Agrawal)
Judge