

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.371 of 2017

In

15 14569 of 2014

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1. Shobha Devi, Wife/ Widow of Late Durgesh Ram, Sub Inspector, Civil Lines, P.S. Gaya. R/o Vill.- Kesath, P.S.- Nawanagar, District- Buxar, Bihar, Presently Residing in Staff Quarter, Civil Lines, P.S. Gaya, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Home Government of Bihar, Old Secretariat, Patna.
2. The Director, General of Police, Government of Bihar, Old Secretariat, Patna.
3. The Director General of Vigilance, Government of Bihar, Vigilance Investigation Bureau, Bihar, Patna near Raj Bhawan, Patna.
4. The Inspector General of Police, Patna Region, Near South Gandhi Maidan, Patna.
5. The Deputy Inspector General of Police, Magadh Range at Gaya, P.S. Gaya Kotwali (Town), District- Gaya (Bihar).
6. The Senior Superintendent of Police Gaya, P.S. Gaya Kotwali (Town), District- Gaya (Bihari).
7. The Deputy Superintendent of Police (Headquarter), Gaya, P.S. Gaya Kotwali, (Town), District- Gaya (Bihar).
8. The Incharge, Pension Section in the office of Senior Superintendent of Police, Gaya, P.S. Gaya (Kotwali), Town District Gaya Bihar.
9. The Director, Provident Fund, Bihar, Pant Bhawan near Bailey Road, Patna, (Bihar).
10. The District Provident Fund Officer, Gaya, P.S. Gaya, Kotwali (Town), District- Gaya (Bihar).
11. The Accountant General, Bihar, Mahalekhakar Bhawan, 'R' Block, Patna, (Bihar).
12. The District Treasury Officer, Gaya, P.S.- Gaya Kotwali (Town), District- Gaya (Bihar).
13. Motijhari Devi, Wife of Late Durgesh Ram, R/o Village- Kesath, P.S.- Nawanagar, District- Buxar (Bihar) and posted as Auxiliary Nurse and midwife (A.N.M) at Udwantnagar Primary Health Centre, P.S. Udwant Nagar, District- Bhojpur, Ara (Bihar).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brijeshwar Narayan Singh

For the Respondent/s : Mr. P. K. Verma (Aag 3)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER



3 24-01-2018

Heard learned counsel for the petitioner.

This application has been filed by the petitioner seeking review of the judgment dated 08.08.2017 passed in CWJC No. 14569 of 2014 by which the writ petition of the opposite party no. 13 has been allowed.

The contention of the petitioner is that the judgment passed by this Court is illegal, as the Court while passing the judgment under review, failed to take into account the fact that the petitioner is the second wife of the deceased employee and in view of the statutory provisions, she would be entitled to receive 50 per cent of the retiral dues of the deceased employee.

He submitted that the petitioner has also filed Succession Suit No. 22 of 2016 before the learned District Judge, Gaya and the succession case has already been admitted and notices have been issued to the opposite party no. 13.

The points argued by the learned counsel for the petitioner would not call for review of the judgment passed by this Court under order 47 Rule I of the Civil Procedure Code, review of the judgment may be allowed on three grounds, namely, (i) The discovery of new important matter or evidence which, after the exercise of due diligence, was not within the knowledge of the applicant or could not be produced by him at the time when the



judgment was passed, or (ii) on account of some mistake or error apparent on the face of the record, or (iii) for any other sufficient reason.

The case of the petitioner does not come within any of the grounds stated above. As a matter of fact, in the name of review, the petitioner intends that the writ petition be heard afresh and fresh order be passed on merits of this case, which is beyond the ambit and scope of a review application.

Accordingly, the application, being devoid of any merit, is hereby dismissed.

(Ashwani Kumar Singh, J)

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