

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.182 of 2018

In

Civil Writ Jurisdiction Case No. 19596 of 2012

- =====
1. Ram Naresh Chourasia @ Ram Naresh Mahato, Husband of Late Nirmala Devi,
 2. Vijay Chourasia son of Ram Naresh Chourasia & Late Nirmala Devi
 3. Sanjay Kumar Chourasia son of Ram Naresh Chourasia & Late Nirmala Devi
 4. Shail Devi, daughter of Ram Naresh Chourasia & Late Nirmala Devi
- All resident of Village & P.O.- Madarpur, Police Station- Maheshkhunt, District- Khagaria, Bihar.

.... Petitioners

Versus

1. Smt. Sharmila Devi, D/O Late Singheshwar Mandal, wife of Sri Chandra Chaurasia, Resident of Village- Mallia, P.O.- Jamalpur Gogari, P.S.- Gogari, District- Khagaria.
2. Arvind Kumar, Son of Umesh Chaurasia, Resident of Village- Vaisha, P.S.- Maraiya, District- Khagaria
3. Smt. Meera Devi, Wife of Late Biranchi Mandal
4. Smt. Geeta Devi, Daughter of Late Biranchi Mandal and Wife of Awadhesh Chaurasia
5. Bhushan Kumar Chaurasia, Son of Late Biranchi Mandal, All Resident of Village + P.O.- Madarpur, P.S.- Maheshkhunt, District- Khagaria
6. Md. Khushir, S/o Md. Hakimuddin, R/o Village- Lewa, P.O.- Pakraili, P.S.- Maheshkhunt, District- Khagaria.
7. Kalpana Kumari, W/O Amarendra Kumar Paswan, At & P.O.- Madarpur, P.S.- Maheshkhunt, District- Khagaria
8. Smt. Indu Devi, W/o Sri Kartik Sah, R/o Village- Lewa, P.O.- Pakraili, P.S.- Maheshkhunt, District- Khagaria.
9. Smt. Fulwati Devi, W/o Rajo Sah, R/o Village- Lewa, P.O.- Pakraili, P.S.- Maheshkhunt, District- Khagaria.
10. Manju Devi, W/o Anil Paswan, At & P.O.- Madarpur, P.S.- Maheshkhunt, District- Khagaria.
11. Kiran Kumari, Wife of Kishore Kumar, At & P.O.- Madarpur, P.S.- Maheshkhunt, District- Khagaria.
12. Parwati Devi, Wife of Raghunandan Mahton, At & P.O. and P.S.- Maheshkhunt, District- Khagaria.
13. Kiran Chaurasia, Wife of Umesh Chaurasia, Resident of Village- Dukha Tol, P.O. & P.S.- Maheshkhunt, District- Khagaria
14. Ramraji Devi, Wife of Upendra Mandal, At & P.O.- Madarpur, P.S.- Maheshkhunt, District- Khagaria.

.....Opposite parties

=====

Appearance :

For the Petitioner/s : Mr. Shyam Narayan Pandey, Advocate
For the Respondent/s :



CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 29-08-2018 Petitioners filed this application for review of order dated 22.11.2017 passed in C.W.J.C. No.19596 of 2012 whereby and whereunder the writ application filed by the petitioners was dismissed.

2. Heard learned counsels for the petitioners and the opposite parties.

3. It has been submitted that the claim of intervener defendants who were respondents before this court is hit by principle of *lis pendens* under the provision of Section 52 of the Transfer of Property Act and this fact has not been properly considered by this court and so the order dismissing the aforesaid writ application be reviewed and order of learned court below impleading the respondents under Order 1 Rule 10 of C.P.C. be set aside.

4. Thus, I find that the grounds of review is only on the point of applicability of provision of *lis pendens* which has already been dealt with while disposing of the writ application of the respondent. In this regard, I would like to refer ruling in the case of Kamlesh Verma Vs. Mayawati reported in **AIR 2013 Supreme Court 3301** wherein the scope of review has been discussed by



Hon'ble Apex Court. The Hon'ble Apex Court has observed that "the power of review can be exercised for correction of a mistake but not to substitute a view. The mere possibility of two views on the subject is not a ground for review. Review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order XLVII, Rule 1 of CPC. In view of jurisdiction, mere disagreement with the view of the judgment cannot be the ground for invoking the same. As long as the point is already dealt with and answered, the parties are not entitled to challenge the impugned judgment in the guise that an alternative view is possible under the review jurisdiction".

5. In the case in hand, I find that the writ application has been dismissed after considering all the submissions which have been raised by the learned counsel for the petitioners. On going through the review application and order passed in C.W.J.C. No.19596 of 2012, I do not find any error in the order in question.

6. This review application being devoid of merit is dismissed.

(Sanjay Kumar, J)

Harish/-

U			
---	--	--	--

