

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.400 of 2017

IN

Civil Writ Jurisdiction Case No. 14584 of 2012

- =====
1. The State of Bihar through Secretary, Road Construction Department, Govt. of Bihar, Patna.
 2. The Executive Engineer, Department of Road Construction, Road Division, Buxar.
 3. The Assistant Engineer/Sub -Divisional Officer, Department of Road Construction, Road Sub-Division, Dumraon.

....Respondents/ Petitioner/s

Versus

1. Rama Nand Lal S/o Late Brahm Deo Lal, resident of Indrapuri, Sipara, P.S.- Beur (Phulwari Sharif), District- Patna. petitioner/Respondent 1st Set
2. The Accountant General, Bihar, Patna. Respondent/Opposite Party

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Appearance :

For the State : Mr. Anshuman Singh, A.C. to A.G.

For the Respondent/s : Mr. Ajay Kumar Sharma, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 01-08-2018

Heard learned counsel for the petitioners and learned counsel for the State.

2. The instant application has been filed by the petitioners under Article 226 of the Constitution of India read with Order XLVII Rule 1 of the Code of Civil Procedure for review of the order dated 18.04.2017 passed by this Court in CWJC No.14584 of 2012.

3. It is contended by the learned counsel for the petitioners that a certificate proceeding is going on against the opposite party no.1 (writ petitioner) for recovery of unadjusted amount of



Rs.13,42,881.15/- and future interest etc. In case, entire amount of Rs.17,54,571/-, which is due to the petitioner is paid, it will be extremely difficult for the State of Bihar to realize the unadjusted amount from him.

4. On the other hand, learned counsel appearing for opposite party no.1 submitted that no ground for review of the order dated 18.04.2017 is made out in the present case. He contended that no error apparent on the face of the order has been pointed out by the petitioners and the review petition has been filed on erroneous grounds.

5. Order XLVII Rule 1 of the Code of Civil Procedure deals with power of review. According to the said provision a review petition can be filed only if the party filing for review has discovered a new and important matter or evidence after exercising due diligence which was not within its knowledge or could not be produced by him, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason.

6. In the instant case, the petitioners have not shown any mistake or error apparent on the face of the record. It is also not the case of the petitioners that a new and important matter or evidence, which was not within their knowledge was discovered. They have also failed to point out any other sufficient



reason to justify their prayer for review of the order dated 18.04.2017 passed by this Court.

7. In my considered opinion, no case for review of the order dated 18.04.2017 passed in CWJC No.14584 of 2012 is made out. The application is dismissed, accordingly.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	08.08.2018
Transmission Date	

