

HIGH COURT OF CHHATTISGARH, BILASPUR

Review Petition No. 16 of 2018

Gangaram S/o Aghoriram Aged About 31 Years R/o Village Bhatgaon,
Police Station Bilaigarh, District Raipur, Now Baloda Bazar Bhatapara
Chhattisgarh.

---- Petitioner

Versus

1. Smt. Mehattrin Bai Wd/o Late Shivraj Yadav Aged About 33 Years
2. Minor Jagdish S/o Late Shivraj Yadav Aged About 8 Years
3. Minor Komal Prasad S/o Late Shivraj Yadav Aged About 6 Years
Respondents No. 2 & 2 are minor, through Legal Guardian Mother Smt.
Mehatarin Bai-non applicant No.1.
4. Noni Bai W/o Shri Kartikram Aged About 62 Years
5. Kartikram S/o Ram Aged About 70 Years
All R/o Village Bhatgaon, police Station Bilaigarh, District Raipur,
Chhattisgarh Now Baloda Bazar Bhatapara Chhattisgarh.
6. The Oriental Insurance Company Ltd. Kachchari Chowk, Raipur,
District Raipur, Chhattisgarh.

---- Respondents

Application for review of order dated 21.11.2017 passed in
Misc. Appeal (C)No.1580 of 2017

(By Circulation in Chamber)
Order

21/02/2018

1. The matter is considered in chamber under the provisions of Rule 90(2)
of the High Court of Chhattisgarh Rules, 2007.
2. The present review petition has been filed seeking review of order dated
21.11.2017 passed by this court in Misc. Appeal (C)No.1580 of 2017.
3. This court while deciding Misc. Appeal (C)No.1580 of 2017 had rejected
the appeal holding it to be barred by limitation and had also rejected the
application for condonation of delay for want of sufficient and satisfactory
explanation.
4. The present review petition has primarily been filed stating that the

impugned award originally passed on 23.03.2005 was an ex parte award and the appellant had no knowledge of the impugned order and the execution case filed, and had prayed for re-consideration of the order passed by this court on 21.11.2017.

5. However, a perusal of records particularly the original award, it clearly reflects that the present appellant had been duly served upon with the notice and he entered appearance by filing reply also and thereafter if he does not contest the case on merits and the Tribunal proceeds ex-parte, it is the appellant to be blamed. Under such circumstances, it cannot be said that there was any error apparent on the face of record while deciding Misc. Appeal (C)No.1580 of 2017 which stood decided on 21.11.2017. Review jurisdiction is not an Appeal in disguise. It does not permit re-hearing of matter on merits.
6. Re-appreciation of the facts of the case and passing of fresh order by exercising the review petition is by now well settled proposition of law that a review would only lie in case if there is an error apparent on the face of records and the error should also be blatantly visible. In the instant case no such grounds have been put forth by the review petitioner in the present review petition.
7. Accordingly, the review petition deserves to be and is dismissed.

Sd/-
(P.Sam Koshy)
Judge