

HIGH COURT OF CHHATTISGARH, BILASPUR

Review Petition No. 26 of 2018

Brij Bihari Gupta S/o A.P.Gupta Aged About 29 Years R/o Village Darripara, Tahsil Surajpur, District Surajpur, Chhattisgarh.

---- Petitioner

Versus

1. Ramcharitra Kushwaha S/o Late Manohar Ram Aged About 30 Years R/o Village Kewara, P.S. Bhaiyathan, Tahsil Surajpur, District Surajpur, Chhattisgarh.
2. Rambai W/o Ramcharit Kushwaha Aged About 28 Years R/o Village Kewara, P.S. Bhaiyathan, Tahsil Surajpur, District Surajpur, Chhattisgarh.
3. Vinod Kumar Agrawal S/o Tekchand Agrawal Aged About 40 Years R/o Bhaiyathan Road, Surajpur, District Surajpur, Chhattisgarh.
4. The United India Insurance Co. Ltd., Branch Office Near Ram Mandir, Ambikapur, District Surguja, Chhattisgarh.

---- Respondents

Review Petition No. 24 of 2018

Brij Bihari Gupta S/o A.P.Gupta Aged About 29 Years R/o Village Darripara, Tahsil Surajpur, District Surajpur, Chhattisgarh.

---- Petitioner

Versus

1. Vinod Kumar Kushwaha S/o Somnath Kushwaha Aged About 30 Years R/o Village Kewra, P.S. Bhaiyathan, Tahsil And District Surajpur, Chhattisgarh.
2. Ritesh Kumar Kushwaha S/o Vinod Kumar Kushwaha Aged About 7 Years Minor Through His Natural Guardian Father Vinod Kumar Kushwaha, R/o Village Kewra, P.S. Bhaiyathan, Tahsil And District Surajpur, Chhattisgarh.
3. Vinod Kumar Agrawal S/o Tekchand Agrawal Aged About 40 Years R/o Bhaiyathan Road, Surajpur, District Surajpur, Chhattisgarh.
4. The United India Insurance Co. Ltd. Branch Office Near Ram Mandir, Ambikapur, District Surguja, Chhattisgarh.

---- Respondents

For petitioner : Shri Ashok Shukla, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19/03/2018

1. These review petitions have been filed seeking review of order dated 03.01.2018 passed by this court in Misc. Appeal (C)Nos.54 of 2011 and 35 of 2011.
2. The contention of the petitioner is that the judgment passed by this court

against which review is being sought for is in contravention to the recent decision of the Supreme Court in case of Naveen Kumar Vs. Vijay Kumar and Ors. in Civil Appeal No.1427 of 2018, decided on 06.02.2018. It was further contended that the petitioner in these cases is possessive owner and he cannot be equated with that of registered owner for the purpose of fastening the liability under the provisions of Motor Vehicles Act. Moreover, the ground raised by the petitioner also is that sale had not been completed under the provisions of Sale of Goods Act.

3. In the opinion of this court, the three grounds raised by the petitioner in these review petitions cannot be the grounds on which the review petition could be entertained. The acceptance of these grounds would literally amount to re-hearing of appeal on merits which otherwise is not permissible under the review jurisdiction where the powers of review is confined to the provisions of Order 47 Rule 1 CPC. Review jurisdiction is not an Appeal in disguise. It does not permit re-hearing of matter on merits.
4. Re-appreciation of the facts of the case and passing of fresh order by way of a review petition is by now a well settled proposition of law. A review would only lie in case if there is an error apparent on the face of records and the error should also be glaringly visible. No such grounds have been put forth by the review petitioners in the present review petitions and the judgment of Supreme Court also is subsequent to the order passed by this court on 03.01.2018.
5. Accordingly, both the review petitions deserve to be and are dismissed.

Sd/-

(P.Sam Koshy)
Judge