

HIGH COURT OF CHHATTISGARH, BILASPUR

REVP No. 45 of 2018

- Gautam Patel S/o Late Balbhadra Patel Aged About 54 Years R/o Kamreed, Post Risora, Tahsil Baramkela, District Raigarh, Chhattisgarh, District : Raigarh, Chhattisgarh **---- Petitioner**

Versus

1. Satyanand S/o Late Kanhai Aged About 65 Years R/o Village Puraina, P.S. Baramkela, Tahsil Sarangarh, District Raigarh, Chhattisgarh, District : Raigarh, Chhattisgarh
2. Keshav Prasad S/o Late Ghasi Ram Patel Aged About 28 Years R/o Village Puraina, P.S. Baramkela, Tahsil Sarangarh, District Raigarh, Chhattisgarh, District : Raigarh, Chhattisgarh
3. Gopinath S/o Late Ghasi Ram Patel Aged About 32 Years R/o Village Puraina, P.S. Baramkela, Tahsil Sarangarh, District Raigarh, Chhattisgarh, District : Raigarh, Chhattisgarh
4. Bhajanlal S/o Dashrath Nayak Aged About 45 Years R/o Village Puraina, P.S. Baramkela, Tahsil Sarangarh, District Raigarh, Chhattisgarh, District : Raigarh, Chhattisgarh
5. Tilakram S/o Nanku Nayak Aged About 55 Years R/o Village Puraina, P.S. Baramkela, Tahsil Sarangarh, District Raigarh, Chhattisgarh, District : Raigarh, Chhattisgarh
6. Goverdhan S/o Late Kanhai Patel Aged About 60 Years R/o Village Puraina, P.S. Baramkela, Tahsil Sarangarh, District Raigarh, Chhattisgarh, District : Raigarh, Chhattisgarh
7. State Of Chhattisgarh Through The Collector Raigarh, District Raigarh, Chhattisgarh, District : Raigarh, Chhattisgarh

---- Respondents

Application for review of the order dated 1-3-2018 passed by this Court in Second

Appeal No. 108 of 2009

By circulation in Chamber

S.B.: Hon'ble Mr. Justice Ram Prasanna Sharma

ORDER (In Chamber)

(21-6-2018)

1. The matter is taken up for consideration in the chamber under provisions of sub-rule (2) of Rule 90 under Chapter VI of the High Court of Chhattisgarh Rules, 2007.
2. I.A.No.1 of 2018 has been filed for condonation of delay of 20 days in filing the instant review petition.

3. For the reasons mentioned in the application, the same is allowed and delay of 20 days in filing the instant review petition is condoned.
4. The review has been sought on the ground that respondent No.2 Smt. Lalita Bai died on 8-1-2015 and right to sue was available against her, therefore, the judgment and decree dated 1-3-2018 is nullity.
5. The suit was filed on the ground that the appellants/defendants obstructed right of respondents No. 1 to 3 by making fencing a barbed wire on the suit land being Survey No.74/3 area 0/081 hectares and Survey No. 74/5 area 0.049 hectares situated at village Purena, Patwari Halka No.37, Revenue Circle Saria, Tehsil Sarangarh, District Raigarh (CG). The court found that no such obstruction was made and by allowing the appeal, this Court dismissed the suit. It is not a case when any error is caused due to court's order or mistake or error is apparent on the face of record. It is also not a case where any new an important matter of evidence is discovered after the judgment of this court. Even if respondent No.2 Smt. Lalita Bai died during pendency of this appeal and no substitution was made, the decree cannot be void to the extent of her interest, but in the present case, there is no executable order against either side and no interest of either side is defeated, therefore, it is not a case where judgment of this court can be review.
6. Accordingly, the review petition being without any substance is hereby dismissed.

Sd/-

(Ram Prasanna Sharma)
Judge

Raju