

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**REVP No. 93 of 2018**

- Lakhanlal Patel S/o Late Shri Ghasiram Patel Aged About 53 Years R/o Village Tulsidih, Post Naurangpur, Tahsil Surangarhy, Police Station Sarangarh, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- **Petitioner****Versus**

1. Smt. Janki Bai W/o Late Mahettar Das Aged About 40 Years R/o Village Naurangpur, Tahsil Sarangarh Police Station Sarangarh District Raigarh ,chhattisgarh ,present Address Village Nawapali, Police Station And Tahsil Baramkela, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
2. Sahodra D/o Late Mahettar Das Aged About 28 Years R/o Village Naurangpur, Tahsil Sarangarh Police Station Sarangarh District Raigarh ,chhattisgarh ,present Address Village Nawapali, Police Station And Tahsil Baramkela, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh \
3. Budhiyarini Bai D/o Fuldass Aged About 26 Years R/o Village Taparda, Post Office Bade Bhandar, Tahsil And Police Station Pussaur District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
4. Smt. Sumrit Bai D/o Late Fulsai Mahant, Aged About 52 Years W/o Thola Mahant, R/o Village Naurangpur Tahsil Sarangarh, District Raigarh Chhattisgarh, Present Address - Village Kapartunga, Post Office Malda B, Tahsil Sarangarh, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
5. State of Chhattisgarh, Through The Collector , Raigarh District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

RespondentsApplication for review of the judgment dated 20-2-2018 passed inFirst Appeal No. 90 of 2015**By circulation in Chamber****S.B.: Hon'ble Mr. Justice Ram Prasanna Sharma****11-09-2018**

IA No.01

1. This is an application for condonation of delay in filing the review petition.
2. For the reasons mentioned in the application (IA No.01), the same is allowed and the delay of 143 days in filing the review petition is condoned.
3. 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.
4. The review petitioner seeks review of the judgment dated 20-2-2018 passed by this Court in FA No.90 of 2015 on the ground that sale deed executed by respondent No.4 Smt. Sumrit Bai is not void and sale deed executed by her in favour of review petitioner cannot be cancelled as a whole.
5. After going through the record, it is manifest that after appreciating all the facts and circumstances of the case, in its true perspective, this Court dismissed First Appeal No. 90 of 2015 in which there is clear finding that first Sumrit Bai should ascertain her interest over the property and then if any interest/share of Sumrit Bai is found, then only question of title of the present review petitioner will arise.
6. It appears that the petitioner by presentation of this review petition seeks an opportunity to argue the entire case afresh

on merits under the garb of the review petition, which is not permissible and tenable in law.

7. It is well settled principle of law that under the garb of review petition, the petitioner should not be permitted to argue the entire case afresh, which would amount to convert the review petition into an appeal and the same is not sustainable in law as per law laid down by Hon'ble the Supreme Court in the matter of **Government of T.N. & Others v. M. Ananchu Asari and others**, reported in (2005) 2 SCC 332, and **Kerala State Electricity Board v. Hitech Electrothermicsm & Hydropower Ltd. and others**, (2005) 6 SCC 651.
8. As a sequel, the review petition, *sans substratum* is liable to be and is hereby dismissed.

Sd/-

(Ram Prasanna Sharma)

Judge

Raju

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