

NAFR

HIHIGH COURT OF CHHATTISGARH, BILASPUR**REVP No. 95 of 2018**

- Om Prakash Makkad S/o Jugal Koshre Makkad Aged About 35 Years At Presenr, R/o Kunkuri, Tahisl- Kunkuri, District- Jashpur Nagar, Chhattisgarh.....(Plaintiff/appellant), District : Jashpur, Chhattisgarh

---- Petitioner**Versus**

1. Tajim Khan S/o Jamruddin Aged About 32 Years R/o Bazandand, Jamshedpur, Nagar, Tahsil And District- Jashpur Nagar, Chhattisgarh., District : Jashpur, Chhattisgarh
2. Manjhali Alias Munni Bai W/o Tajim Khan Aged About 30 Years R/o Bazandand, Jamshedpur, Nagar, Tahsil And District- Jashpur Nagar, Chhattisgarh., District : Jashpur, Chhattisgarh
3. Bajrang Gupta S/o Laxmi Sao Aged About 35 Years Occupation- Business, R/o Baniatola, Jashpur Nagar, Tahsil And Distict- Jashpur Nagar, Chhattisgarh., District : Jashpur, Chhattisgarh
4. State of M.P. Now Chhattisgarh Through Collector, Jashpur, Nagar, Chhattisgarh.....(Defendants Respondents), District : Jashpur, Chhattisgarh

---- RespondentsApplication for review of the judgment dated 24-7-2018 passed inFirst Appeal No. 424 of 1999**By circulation in Chamber****S.B.: Hon'ble Mr. Justice Ram Prasanna Sharma****11-09-2018**

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. The review petitioner seeks review of the judgment dated 24-7-2018 passed by this Court in FA No.424 of 1999 on the ground that the petitioner is evicted without due process of law and the provisions of Section 248 of Chhattisgarh Land Revenue Code, 1959 have not been complied in the present case, therefore, the judgment should be reviewed.
3. On consideration of the grounds mentioned in review petition which are in the nature of taking liberty to re-argue the writ petition is unsustainable in the eyes of law. It is finally decided by this court that restoration of possession of the review petitioner is not possible. There is no other ground pointed out by the petitioner showing any manifest error on the record or any facts which could not be produced earlier despite diligent efforts made by the petitioner. It is well settled principle of law that the review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of the Code of Civil Procedure, 1908.
4. 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.
5. 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.

6. 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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