

HIGH COURT OF CHHATTISGARH, BILASPUR**REVP No. 106 of 2018**

- Sourabh Soni S/o Tarachand Soni Aged About 36 Years R/o Ramadhinmarg, Rajnandgaon, District Rajnandgaon Chhattisgarh

---- Applicant**Versus**

- Smt. Tina @ Rashmi Choudhary W/o Sourabh Soni Aged About 32 Years R/o Pushpalok, Shiv Nagar, Dubling Colony Gondia (Maharashtra)

---- Respondent

For Applicant : Shri Vikash A. Shrivastava, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****02/11/2018**

1. The present petition is filed for review of the order dated 21.06.2018 passed in W.P. (227) No.346/18 whereby the monthly alimony was granted to the respondent.
2. Learned counsel for the applicant submits that the original application filed by the non-applicant was only for Rs.5000/- to enable her to cover all her travel, stay and miscellaneous expenses and Rs.50,000/- for litigating expenses, whereas the Court has granted monthly alimony which was not claimed by the non-applicant in her prayer.
3. On due consideration no error apparent is found in the order granting

maintenance. It is a trite law that the maintenance can always be granted to the wife in the facts of a particular case.

4. Perusal of the order shows that all the substantial facts and law were considered while petition was heard and the petitioner was heard and the prayer made and after hearing, the orders were passed.
5. The prayer made in the review petition appears to be misconceived. The petitioner has not pointed out any manifest error on the face of record and he has not brought to the notice of this Court any new facts which could not be produced earlier.
6. It is well settled principles 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. It appears that the applicant by filing 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. It is also well settled that under the garb of review petition, the applicant 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.
7. Further Hon'ble the Apex Court in ***State of West Bengal and others Vs. Kamal Sengupta and another (2008) 8 SCC 612*** held in para 22 that mistake or error apparent signifies an error which is evident *per se* from the record of the case and does not require detailed examination, scrutiny and elucidation either of the facts or the legal position. If an error is not self-evident and

detection thereof requires long debate and process of reasoning, it cannot be treated as an error apparent on the face of the record for the purpose of Order 47 Rule 1 CPC.

8. Therefore, in view of the above settled proposition of law, no grounds for review is available to the applicant against the impugned order.
9. In a result, the review petition is without any substance, the same deserves to be and is hereby dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu