

HIGH COURT OF CHHATTISGARH AT BILASPUR

Review Petition No. 116 of 2018

1. Smt. Reena Gupta, W/o. Shri Narendra Gupta, Aged About 33 Years, R/o. Tikrapara Near Mama Bhanja Pond Bilaspur, Tahsil & District Bilaspur, Chhattisgarh
2. Arjita Singh, W/o. Sanjeet Singh, Aged About 29 Years, R/o. Green Garden Colony, In Front Of Petrol Pump Mungeli Road Bilaspur, Tahsil & District Bilaspur, Chhattisgarh

**----Petitioners
Respondents No.2 & 3**

Versus

1. Smt. Suraiya Begum, W/o. Late Rafique Ahmed Khan, Aged About 72 Years (Wrongly Typed as Rafik In The Order Sheet)
2. Zuber Ahmed Khan, S/o. Late Rafique Ahmed Khan, Aged About 54 Years
3. Sameer Ahmed Khan, S/o. Late Rafique Ahmed Khan, Aged About 49 Years

All Agriculturist Village Kharkena, Tahsil Takhatpur, District Bilaspur Chhattisgarh.

R/o Flat No. 113, Utkarsh Nirman In Front Of Mangalwari Bazar, Sadar Bazar, Nagpur, (Maharashtra)

4. Smt. Kulsum Vikar, W/o. Akil Ahmed, Aged About 56 Years, D/o. Late Rafique Ahmed Khan, R/o. Plot No. 30 Ayappa Nagar, Bhilai Nagar, District Durg Chhattisgarh
5. Abdul Haleem Khan, S/o. Shri Abdul Hakeem Khan, Aged About 65 Years, R/o. Akbar Khan Chal, Opposite Mission Hospital, District Bilaspur Chhattisgarh.
6. State Of Chhattisgarh, Through Collector, Bilaspur Chhattisgarh.

---- Respondents

(By Circulation in Chamber)

Hon'ble Shri Justice Goutam Bhaduri

ORDER

14.11.2018

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. By this petition, review of the order dated 12.09.2018, passed in M.A.No.31 of 2017, has been sought for.
3. Perusal of the order shows that all the substantial facts and law were considered while appeal was heard and the parties were heard. Reading of the review petition would show that fresh interpretation of the order is sought for.
4. The prayer made in the review petition appears to be misconceived. The petitioners have not pointed out any manifest error on the face of record and they have not brought to the notice of this Court any new facts which were not considered earlier and addition of words is sought for in the order.
5. 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 petitioners 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 petitioners 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.
6. 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.

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

Sd/-
(Goutam Bhaduri)
Judge