

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.26 of 2019

In
SECOND APPEAL No.258 of 1986

-
1. Shafiullah Siddhiki @ S K Shefiullah Late Raj Mohammad, Village- Gopalpur Paragan Bara, P.S- andur, P.O-Bakarganj District- Siwan
 2. Bibi Rabinissa Late S.K. Damari Village- Gopalpur Paragan Bara, P.S- Andar, P.O-Bakarganj District- Siwan
 3. Bibi Noorjahan Late S.K Damari Village- Gopalpur Paragan Bara, P.S- Andar, P.O-Bakarganj District- Siwan
 4. Bibi Nissa Late S. K Damari Village- Gopalpur Paragan Bara, P.S- Andar, P.O-Bakarganj District- Siwan
 5. Bibi Anisa Khatoon Late S.K Damari Village- Gopalpur Paragan Bara, P.S- Andar, P.O-Bakarganj District- Siwan
 6. Wakil Late S.K. Damari Village- Gopalpur Paragan Bara, P.S- Andar, P.O-Bakarganj District- Siwan

... .. Petitioners

Versus

1. Syed Sultan Late Syed Haidar Ali @ Syed Haider Village- Gopalpur Paragan Bara, P.S- Andar, P.O-Bakarganj District- Siwan
2. Syed Saber Late Haider Ali @ Syed Haider Village- Gopalpur Paragan Bara, P.S- Andar, P.O-Bakarganj District- Siwan
3. Syed Tuna Late Syed Haider Ali @ syed Haider Village- Gopalpur Paragan Bara, P.S- Andar, P.O-Bakarganj District- Siwan
4. Basaki Madan Hussain Village- Gopalpur Paragan Bara, P.S- Andar, P.O-Bakarganj District- Siwan
5. Hallo Ali Hussain Village- Gopalpur Paragan Bara, P.S- Andar, P.O-Bakarganj District- Siwan
6. Sanjula Hassan Village- Gopalpur Paragan Bara, P.S- Andar, P.O-Bakarganj District- Siwan
7. Sabari 2 Sabari Syed Haider Ali Village- Gopalpur Paragan Bara, P.S- Andar, P.O-Bakarganj District- Siwan
8. Tana syed Haider Ali Village- Gopalpur Paragan Bara, P.S- Andar, P.O-Bakarganj District- Siwan
9. Guria Syed Haider Village- Gopalpur Paragan Bara, P.S- Andar, P.O-Bakarganj District- Siwan
10. Nanni Syed Haider Village- Gopalpur Paragan Bara, P.S- Andar, P.O-Bakarganj District- Siwan
11. Husana Syed Haider Village- Gopalpur Paragan Bara, P.S- Andar, P.O-Bakarganj District- Siwan
12. Mehrunissa Late Sayed Zair Hussain Village- Gopalpur Paragan Bara, P.S- Andar, P.O-Bakarganj District- Siwan



13. Syed Rahman Raza Late Zair Hussain Village- Gopalpur Paragan Bara, P.S- Andar, P.O-Bakarganj District- Siwan
14. Syed Ali Mozafar late sayed zair Hussain Village- Gopalpur Paragan Bara, P.S- Andar, P.O-Bakarganj District- Siwan
15. Syed Ali Safar @ Syed Ali Zafar Late Syed Zair Hussain Village- Gopalpur Paragan Bara, P.S- Andar, P.O-Bakarganj District- Siwan
16. Syed Ali Gajnafar Late Zair Hussain Village- Gopalpur Paragan Bara, P.S- Andar, P.O-Bakarganj District- Siwan
17. Bibi Sadikan syed Zair Hussain Village- Gopalpur Paragan Bara, P.S- Andar, P.O-Bakarganj District- Siwan

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Dhaneshwar Prasad Gupta
For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

7 31-07-2019 Though the matter has been listed with certain office notes, pointing out defects by the Registry, it has been heard on merits and is being disposed of by the present order.

By filing the present application, the petitioners seek to review common judgment and order, dated 12.02.2016, passed in S.A. No. 259 of 1986 and S.A. No. 258 of 1986. Be it noted, that this review application is confined to the judgment and order passed in S.A. No. 259 of 1986.

It is evident from the records that Special Leave Petition was filed before the Supreme Court, giving rise to Special Leave Petition © Nos. 28227-28228 of 2017, against the judgment and order of this Court, review of which is being sought for. The Special Leave Petitions were sought to be



withdrawn with a liberty to approach the High Court to file review application and accordingly, the present review application has been filed.

Whereas the order dismissing the Special Leave Petitions was passed by the Supreme Court on 26.03.2018, this application has been filed almost one year thereafter on 24.01.2019. There is an application for condonation of delay, registered as I.A. No. 1 of 2019. Except a vague assertion in the application seeking condonation of delay that due to some personal difficulties, the petitioners could not file the review application within time, there is absolutely no explanation for delay, let alone a cogent one. The grounds, which have been taken in review application, in my view, cannot be grounds for review of an order inasmuch as there is no ground taken that the judgment and order under review suffers from any error apparent on record. There are 14 grounds taken in the review application questioning 'the correctness of the judgment and order' on the plea that 'this Court wrongly ignored the facts', 'failed to consider the legality of the order of the appellate Court' and 'failed to appreciate the evidence'.

This review application, in my opinion, is not only misconceived, rather its filing is an abuse of the process of the



Court. It is accordingly dismissed with a cost of Rs.10,000/-, to be deposited in the account of Bihar State Legal Services Authority within three months.

(Chakradhari Sharan Singh, J)

Pawan/-

U			
---	--	--	--

