

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.460 of 2017

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Raj Kumar Singh son of Late Mahanand Singh, resident of Village - Purani Panepur, P.S. - Danapur, District - Patna At present residing at Sikandarpur, Nasriganj, P.S. - Danapur, District - Patna.

... .. Petitioner/s

Versus

1. M/s Engineers Enterprises having its establishment located at Mohalla Rustampur Shahpur also known as Sikandarpur, P.S. Danapur, District Patna through its proprietor Kaushal Kishore Singh, son of Sri Ram Ratan Singh, resident of Pipraun, P.O. - Pipraun, P.S. - Harlakhi, District - Madhubani.
2. Kaushal Kishore Singh, son of Sri Ram Ratan Singh, resident of Pipraun, P.O. - Pipraun, P.S. - Harlakhi, District - Madhubani.
3. Punjab National Bank through its Chief Manager having its branch at Boring Road, Patna, P.S. - Sri Krishnapuri, District Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr.Kumar Priya Ranjan

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 07-08-2019 There is no representation on behalf of the petitioner.

This application has been filed seeking review of order dated 08.11.2017, passed in Civil Misc. Jurisdiction Case No. 01 of 2017. In the said case, an order dated 01.10.2016 passed by the learned Sub-Judge-I, Danapur, in Title Suit No. 293 of 2010 was under challenge whereby the court below had rejected an application for obtaining expert's opinion, on comparison of handwriting of defendant no. 2 with his signature in the notice dated 13.10.2010 said to have been sent by the defendant of the case to the plaintiff.



This Court found that there was no pleading in the plaint regarding notice dated 13.10.2010. The court below, taking note of the fact that at no point of time during evidence from 16.04.2014 to 28.08.2015, the petitioner had ever filed any application indicating existence of the said notice dated 13.10.2010 and requirement of comparison of handwriting of the defendant with the handwriting occurring in the said notice, had rejected the application.

In that background, this Court had held that the notice itself was not an admitted document. Signature of a party can be compared only with an admitted document, is not in dispute.

In the background of above noted facts, this Court by the order under review dated 08.11.2017 had dismissed the said Civil Misc. Jurisdiction Case No. 01 of 2017.

The petitioner has sought review of the said order by making the present application. In the review application, it has been stated in paragraph 13 that the order under review is bad, illegal, vitiated, unsustainable in law as well as on facts which has caused serious prejudice to the petitioner and has caused miscarriage of justice.

The grounds, which have been taken in the review application, cannot be grounds for review of a judicial order. I



am of the considered view that filing of the review application itself is an abuse of the process of the Court, possibly to delay disposal of the suit in the court below.

This application is accordingly dismissed with a cost of Rs. 20,000/-, which shall be recoverable from the petitioner as arrears of land revenue by the District Magistrate, Patna.

Let a copy of the order be communicated to the District Magistrate, Patna.

(Chakradhari Sharan Singh, J)

Rajesh/-

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