

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.308 of 2017

In
FIRST APPEAL No.423 of 1993

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1. Sheoji Sah son of Late Jhapas Sah
 2. Panna Lal Sah son of late Sheonandan Sah
 3. Munna Sah son of late Sheonandan Sah All are residents of Village - Bideshi Tola, P.S. - Thawe, District - Gopalganj.
 4. Smt. Dropadi Devi D/o late Sheonandan Sah, w/o Sudama Sah R/o Village - Bhada, P.S. - Siwan Muffasil, District - Siwan.
 5. Smt. Girija Devi D/o Sheonandan Sah, W/o Vyas Sah R/o Village Nawada Prasawani, P.S. - Uchkagaon, District - Gopalganj.
 6. Hiramati Kumari @ Hiramati Devi D/o late Sheonandan Sah R/o Village - Bideshi Tola, P.S. - Thawe, District - Gopalganj.

... .. Appellants-Petitioner/s

Versus

1. Sona Devi
2. Prabhawati Devi
3. Sushila Devi All D/o late Mukh Narayan Sah resident of Village - Bidesi Tola, P.S. - Thawe, District - Gopalganj.

... .. Respondents -Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar
For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date: 17-04-2019

Heard learned counsel for the appellants and learned
counsel for the respondents.

The instant review application has been filed for review
of the order dated 5th July, 2017 passed by this Hon'ble Court
in F.A. No. 423 of 1993.

Learned counsel for the appellants has submitted that
during pendency of this First Appeal both parties outside court
entered into compromise and, in consequence thereof, a



compromise petition in respect of the suit land dividing share and accepting possession was amicably filed before this Hon'ble Court, but the said compromise was not accepted by this Hon'ble Court on technical fault of filing the compromise although the said compromise was acted upon and became final between the parties. Learned counsel for appellants further submits that instead of passing order in appeal in the light of said compromise the First Appeal was decided on merit vide judgment and order dated 5.7.2017.

Learned counsel for the respondents submits that aforesaid points were already taken by the appellants during pendency of the appeal vide I. A. Nos. 3936 of 2002 and 3083 of 2006 and this Hon'ble Court has already passed appropriate orders on those I.A. Nos. on 14.7.2006 and 1.9.2006 respectively and has directed the appellants for filing a fresh, defect-free compromise application. Thereafter, no any fresh, defect-free compromise application was filed by the appellants and thereafter the appeal was decided on merit. Learned counsel further submits that now after final decision of the appeal, no such point can be taken to review the judgment which was passed on merit since no fresh, defect-free compromise application was filed by the appellants in terms of the order



passed by this Hon'ble Court on 1.9.2006.

This Court is of the view that appeal has already been decided on merit. The earlier compromise petition filed by the appellants was not accepted by the Court vide order dated 14.7.2006 passed in I.A. No. 3936 of 2002. Thereafter the appellants have filed I.A. No. 3083 of 2006 to recall the order passed in I.A. No. 3936 of 2002 which was not accepted by this Court. The appellants was directed to file fresh, defect-free compromise application. But, no fresh compromise application was filed. The appeal was finally decided on merit by judgment dated 5.7.2017 passed in F.A. No. 423 of 1993.

Therefore, this Court does not find any merit in this application. Accordingly, this Civil Review application is dismissed.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	
CAV DATE	
Uploading Date	25.4.2019
Transmission Date	

