

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.188 of 2017

In
SECOND APPEAL No.125 of 2005

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Sayeeda Khatun and Ors

... .. Petitioner/s

Versus

Sonmanti Devi and Ors

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Ambastha
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 07-03-2019 Heard learned counsel for the petitioners on I.A. No. 6512 of 2017, which is filed for condoning the delay of about 60 days in filing this review petition, as well as on the merit of the review petition.

The petitioners have filed this review petition for review of order dated 07.02.2017 passed by Hon'ble Mr. Justice V. Nath in Second Appeal No. 125 of 2005 by which the Second Appeal has been dismissed on the ground that concurrent findings of both the courts below could not be assailed as there is lack of non consideration of any material evidence or on the ground of perversity of the finding or unreasonableness in any manner.

The learned counsel for the petitioners submits that the case of the plaintiff rests on the facts that Wahdu Sah made oral gift in favour of his grand son, Qasim Sah, and most of the witnesses have stated in their evidence about the oral gift made by Wahdu Sah in favour of his grand son, Qasim Sah, but both the courts below have failed to appreciate the evidence in its



true prospective and this fact has not been considered by this court also and on this ground the judgement and order dated 07.02.2017 is required to be reviewed.

I find no substance in the submission of learned counsel for the petitioners as it has been stated in the order itself that both the courts have disbelieved the story of oral gift made by Wahdu Sah in favour of his grand son, Qasim Sah, and dismissed the suit as well as the appeal. Even evidence of PW 3, Qashim Sah, has been taken into consideration and it has been held that Qasim Sah executed sale deed, Ext.-A, in favour of Meena Devi where he has accepted the fact that he has got half share in the property by partition and evidence of Qasim Sah was found insufficient to prove the factum of oral gift in his favour by his grand father.

Having considered the facts aforesaid, I find no merit in this Civil Review petition and the same is, accordingly, dismissed. I. A. No. 6512 of 2017 is also dismissed.

(Prabhat Kumar Jha, J)

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