

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.512 of 2017

In
Letters Patent Appeal No.217 of 2016

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Dinesh Chandra Son of Siya Ram Singh resident of Village Meyar, P.S.
Chabilapur, District Nalanda.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Depart of Home (Police) Govt. of Bihar, Patna.
3. The District Magistrate Nalanda, Biharsharif.
4. The Superintendent of Police Nalanda, Biharsharif.
5. The Officer in-Charge Rajgir Police Station Nalanda.

... .. Opposite parties

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
and
HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA)

6 09-01-2019 Heard both sides.

The petitioner seeks review of the order dated 25.01.2017 passed in L.P.A. No. 217 of 2016 on the ground that in view of Annexure-3, the notification issued by the Home (Police) Department, the judgement is required to be reviewed.

In view of the law laid down by the Hon'ble Supreme Court in the case of Sasi (Dead) Through Legal Representatives vs. Arabindakshan Nair And Anr., (2017) 4 SCC 692 in which the principle of law has been laid down in paras 6 to 9 in the following manner, we find no case made out for review.



Paragraph Nos.6 to 9 of the judgment reads as under:

6. The grounds enumerated therein are specific. The principles for interference in exercise of review jurisdiction are well settled. The Court passing the order is entitled to review the order, if any of the grounds specified in the aforesaid provision are satisfied.

7. In Thungabhadra Industries Ltd. V. State of A.P., the Court while dealing with the scope of review had opined:

“11. What, however, we are now concerned with is whether the statement in the order of September 1959 that the case did not involve any substantial question of law is an “error apparent on the face of the record”. The fact that on the earlier occasion the Court held on an identical State of facts that a substantial question of law arose would not per se be conclusive, for the earlier order itself might be erroneous. Similarly, even if the statement was wrong, it would not follow that it was an “error apparent on the face of the record”, for there is a distinction which is real, though it might not always be capable of exposition, between a mere erroneous decision and a decision which could be characterised as vitiated by “error apparent”. A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected, but lies only for patent error”. (*emphasis supplied*)

8. In Parsion Devi v. Sumitri Devi, the Court after referring to Thungabhadra Industries Ltd., Meera Bhanjav. Nirmala Kumari Choudhary and Aribam Tuleshwar Sharma v. Aribam Pishak Sharma, held thus:

“9. Under Order 47 Rule 1 CPC, a judgment may be open to review



inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under Order 47 Rule 1 CPC. In exercise of the jurisdiction under Order 47 Rule 1 CPC it is not permissible for an erroneous decision to be “reheard and corrected”. A review petition, it must be remembered, has a limited purpose and cannot be allowed to be “an appeal in disguise.”

9. The aforesaid authorities clearly spell out the nature, scope and ambit of power to be exercised. The error has to be self-evident and is not to be found out by a process of reasoning. We have adverted to the aforesaid aspects only to highlight the nature of review proceedings.”

In view of the above, the application is rejected.

(Prabhat Kumar Jha, J)

(Sudhir Singh, J)

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