

HIGH COURT OF CHHATTISGARH AT BILASPUR

REVP No. 17 of 2019

Bhagwan Lal Maroo S/o Shri Hari Lal Maroo Aged About 69 Years
Now R/o Shivanand Nagar Sector 1, House No. 756/10, Srinagar,
Khamtarai, P. O. WRS Colony Raipur, Chhattisgarh.
492008*Plaintiff.* **---- Petitioner**

Versus

Salik Ram Malewar (Dead) through his Legal Representatives :

1 (A) Smt. Kanti Malewar W/o Late Salik Ram Malewar Aged About
67 Years R/o Near Muktidham Paras Nagar, Raipur, District Raipur,
Chhattisgarh., District : Raipur, Chhattisgarh

1 (B) Smt. Anju Sahu W/o Shri Samit Kumar Sahu Aged About 39
Years D/o Late Salik Ram Malewar R/o Village Nawagaon, Tehsil
Simga District Balodabazar Bhatapara, Chhattisgarh.

1 (C) Smt. Alpana Kumbalkar W/o Shri Dhilendra Kumbalkar Aged
About 34 Years D/o Late Salik Ram Malewar, R/o Bangali Colony
Pt. Ravishankar Shukla Nagar, Amanaka, Raipur Tehsil And District
Raipur, Chhattisgarh.

1 (D) Shri Ajay Kumar Malewar S/o Lage Salik Ram Malewar Aged
About 37 Years R/o Near Muktidham Paras Nagar, Raipur, District
Raipur, Chhattisgarh.Legal Representatives of Defendant.,

--- Respondents

Hon'ble Shri Justice Goutam Bhaduri

Order of Board

01.08.2019

Heard

1. By this petition, review of the judgment and decree dated
28.11.2018 passed in F.A. No.139 of 2001 has been sought for.
2. Perusal of the order shows that all the substantial facts and law
were considered while appeal was heard and the parties were
given proper opportunity of hearing. Reading of the review petition
would show that fresh detailed facts have been pleaded.

3. The prayer made in the review petition appears to be misconceived. The petitioner herein i.e., respondent/plaintiff has not pointed out any manifest error on the face of record and he has not brought to the notice of this Court any new facts which could not be produced earlier.
4. It is well settled principles of law that the review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of the Code of Civil Procedure. It appears that the petitioner herein (respondent/plaintiff/) by filing this review petition seeks an opportunity to argue the entire case afresh on merits under the garb of the review petition, which is not permissible and tenable in law. It is also well settled that under the garb of review petition, the petitioner should not be permitted to argue the entire case afresh which would amount to convert the review petition into an appeal and the same is not sustainable in law.
5. Further Hon'ble the Apex Court in ***State of West Bengal and others Vs. Kamal Sengupta and another (2008) 8 SCC 612*** held in para 22 that mistake or error apparent signifies an error which is evident *per se* from the record of the case and does not require detailed examination, scrutiny and elucidation either of the facts or the legal position. If an error is not self-evident and detection thereof requires long debate and process of reasoning, it cannot be treated as an error apparent on the face of the record for the purpose of Order 47 Rule 1 CPC.
6. Therefore, in view of the above settled proposition of law, no grounds for review is available to the petitioner against the

impugned order.

7. In a result, the review petition is without any substance, the same deserves to be and is hereby dismissed.

**Sd/-
(Goutam Bhaduri)
Judge**