

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**REVP No. 157 of 2019**

1. Sharda Prasad Gupta S/o Shri Mahesh Chandra Gupta Aged About 28 Years R/o Mungeli Naka Kudu Dand, Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Sanjay Alamchandani S/o Naraindas Alamchandani Aged About 19 Years R/o Nehru Nagar, Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Indira Bai Gupte (Dead) Through Lrs
 - 3.1 - (I) Smt. Subhangi W/o Late Sharad S. Gupte Aged About 30 Years R/o 11 Ravi Kiran Apartment, Bramhagiri Near Bheem Nagar, Jail Road Nasik (Maharashtra), District : Nashik, Maharashtra
 - 3.2 - (II) Sneha Gupte D/o Sharad S. Gupte Aged About 30 Years R/o 11 Ravi Kiran Apartment, Bramhagiri Near Bheem Nagar, Jail Road Nasik (Maharashtra), District : Nashik, Maharashtra

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Versus

1. Padmakar Gupte (Dead) Through LR's.
 - 1.1 - (I) Ashish Gupte S/o Late Padmakar Gupte Aged About 36 Years R/o Kothrud, Sadafuli Aving, In Front Of Kushal Apartment Flat No. 5, Flat Bhumiyo Colony, Panurod, Pune (Maharashtra), District : Pune, Maharashtra
 - 1.2 - (II) Madhulika Prakash Gupte W/o Shri Prakash Gupte Aged About 51 Years R/o Plot No. 123, Rujata Apartment, Pandele Out, Khakla Road, District Nagpur Maharashtra, District : Nagpur, Maharashtra
 - 1.3 - (III) Smt. Swati Avinash Chirnish W/o Shri Avinash Chirnish Aged About 37 Years R/o Kirti Nagar, Near Ishwar Nagar, Chowk, New Nandan Van, Nagpur, Maharashtra., District : Nagpur, Maharashtra
 - 1.4 - (IV) Smt. Ashwani Ravindra Kakhanesh Aged About 26 Years R/o Plot No. 26, Kailash Nagar, Gorakshan Marg, Akola Maharashtra., District : Akola, Maharashtra
 - 1.5 - (V) Smt. Vaishali Sandeep Kulkurni W/o Sandeep Kulkurni R/o Ritika Apartment, Gupte Marg, Jethapeth, Akola, Maharashtra.

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Application for review of the judgment dated 25-6-2019 passed in
First Appeal No. 71 of 2000
By circulation in Chamber

S.B.: Hon'ble Mr. Justice Ram Prasanna Sharma

26-8-2019

1. The matter is taken up for consideration in the chamber under provisions of sub-rule (2) of Rule 90 under Chapter VI of the High Court of Chhattisgarh Rules, 2007.
2. By this review petition, the review petitioner seeks review of the judgment dated 25-6-2019 passed by this Court in First Appeal No. 71 of 2000 on the ground mentioned in the petition.
3. After going through the record of the First Appeal No. 71 of 2000 it is manifest that after appreciating all the facts and legal aspect of the matter, this Court has disposed of the appeal on merit.
4. Considering all the grounds mentioned in the review petition which are in the nature of taking liberty to re-argue the case, there is no other ground showing any manifest error on the record and there is nothing that any new facts which could have been produced earlier but could not be produced despite diligent efforts made by the applicants
5. 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. By this review petition, liberty to re-argue the entire

case on merit afresh is not permissible because it would amount to convert the review petition into an appeal (See: Meera Bhanjan v. Smt. Nirmal Kumar Chowdhary, AIR 1995 SC 455, Lily Thomas etc. v. Union of India and others, AIR 2000 SC 1650, Ajit Kumar Rath v. State of Orissa and others, AIR 2000 SC 85, Government of T.N. & Others v. M. Ananchu Asari and others, (2005) 2 SCC 332, and Kerala State Electricity Board v. Hitech Electrothermics & Hydropower Ltd. and others, (2005) 6 SCC 651.

6. As a sequel, the review petition, *sans substratum* is liable to be and is hereby dismissed.

Sd/-
(Ram Prasanna Sharma)
Judge

Raju