

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**REVP No. 162 of 2019**

1. Gurumukh Das Advani (Dead) Through Lrs Smt. Kanta Devi Wd/o Late Gurmukh Das Advani Aged About 64 Years R/o Kumhari, Tahsil Patan, District Durg Chhattisgarh.
2. Smt. Geeta Sawni W/o Shri Hamant Kumar Sawni Aged About 45 Years R/o Sakti, District Bilaspur Chhattisgarh.,
3. Ghanshyam Advani S/o Late Gurmukh Das Advani Aged About 45 Years R/o Kumhari, Tahsil Pata, District Durg Chhattisgarh.
4. Dhanraj Advani S/o Late Gurmukh Das Advani Aged About 28 Years R/o Kumhari, Tahsil Pata, District Durg Chhattisgarh.

---- Petitioners

Versus

1. Dr. Harishankar Pandey S/o Ramakant Pandey Aged About 45 Years R/o In Front Of Sheetla Mandir, Gali Mey, Kankalipara, Raipur, Tahsil And District Raipur Chhattisgarh.
2. Smt. Belbai Wd/o Rajaram Jaiswal Aged About 70 Years Bedisde Thadi Shop, Azad Chowk, In Front Of Thana, Khaprabhathi, Raipur Tahsil And District Raipur Chhattisgarh.
3. Ganesh Jaiswal S/o Late Shri Rajaram Jaiswal, R/o Azad Chowk, In Front Of Thanka, Khaprabhathi, Amanaka, Raipur, Tahsiland District Raipur Chhattisgarh.

---- Respondents

Application for review of the judgment dated 1-3-2019 passed inFirst Appeal No. 161 of 2003**By circulation in Chamber****S.B.: Hon'ble Mr. Justice Ram Prasanna Sharma****04-09-2019**

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. I.A.No.1 of 2019 has been filed for condonation of delay in filing the instant review petition.
3. For the reasons stated in the application, the same is allowed and delay of 130 days in filing the review petition is condoned.
4. By this review petition, the review petitioner seeks review of the judgment dated 1-3-2019 passed by this Court in First Appeal No. 161 of 2003 on the ground mentioned in the petition.
5. After going through the record of the First Appeal No. 161 of 2003 it is manifest that after appreciating all the facts and legal aspect of the matter, this Court has disposed of the appeal on merit.
6. 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
7. 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.

8. Accordingly, the appeal being devoid of merit is liable to be and is hereby dismissed.

Sd/-
(Ram Prasanna Sharma)
Judge

Raju

