

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**REVP No. 173 of 2018**

- Jaspal Singh S/o Late Shri Mehar Singh Aged About 50 Years R/o Gurudwara Road Takhatpur, District Bilaspur, Chhattisgarh.Res. No.1/ Plaintiff No. 1.

---- Petitioner

Versus

1. Bhupendra Singh Muchhal S/o Late Shri Mehar Singh aged about 61 Years C/o Chawla Watch Co. Baloda Bazar, District Raipur, (Now Baloda Bazar- Bhatapara), Chhattisgarh.Appellant/ Defendant No. 1..
2. Satpal Singh S/o Late Shri Mehar Singh aged about 57 Years R/o Gurudwara Road Takhatpur, District Bilaspur, Chhattisgarh.Res. No. 2Plaintiff No. 2.
3. Punjab National Bank Through The Branch Manager, Punjab National Bank Barela Branch Takhatpur, District Bilaspur, Chhattisgarh.Res. No. 3/ Defendant No. 2..
4. Smt. Man Kaur W/o Shri Trilok Singh aged about 74 Years R/o Bharat Electricals, Sadar Bazar, Kavardha, District Rajnandgaon, (Now Kabirdham, Chhattisgarh.Res. No. 4.Defendant No. 4.
5. Sardar Nishchal Singh S/o Late Shri Mehar Singh aged about 69 Years R/o Gurudwara Road Takhatpur, District Bilaspur, Chhattisgarh.Res. No. 5/ Defendant No. 5.
6. Smt. Satnam Kaur W/o Shri Jaspal Singh aged about 59 Years C/o Ganga Soap Works Mahasamund, District Raipur, (Now Mahasamund), Chhattisgarh.Res. No. 6/defendant. No. 6.
7. Smt. Surendra Kaur W/o Shri Avtar Singh Aged About 64 Years C/o Shri Guru Tegbahadur Society, Ahmadabad.Res. No. 7/ Defendant No. 7.
8. Smt. Gurnam Kaur W/o Shri Balwant Singh Aged About 54 Years R/o Near New Mandi Bhathapara, District Raipur, Chhattisgarh. Now Balodabazar- Bhathapara, Chhattisgarh.Res. No. 8/ Defendant No. 8.

---- Respondents

Application for review of the judgment dated 24-7-2018 passed inFirst Appeal N. 273 of 1998**By circulation in Chamber**

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

30-01-2019

IA No.01

1. This is an application for condonation of delay in filing the review petition.
2. For the reasons mentioned in the application (IA No.01), the same is allowed and the delay of 67 days in filing the review petition is condoned.
3. 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.
4. By this review petition, the review petitioner seeks review of the judgment dated 24-7-2018 passed by this Court in First Appeal N. 273 of 1998 on the ground that the amount deposited in Punjab National Bank was joint property and not the individual property of respondent No.1 Bhupendra Singh.
5. After going through the record of the First Appeal No. 273 of 1998 it is manifest that after appreciating all the facts and legal aspect of the matter, this Court has disposed of the appeal by recording finding that Bhupendra singh is only entitled to get money fixed deposited in the said Bank.
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 petitioner.

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 Kerla State Electricity Board v. Hitech Electrothermicism & Hydropower Ltd. and others, (2005) 6 SCC 651.
8. As a sequel, the review petition, *sans substratum* is liable to be and is hereby dismissed.

Sd/-

(Ram Prasanna Sharma)

Judge

Raju

