

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.290 of 2017

In
SECOND APPEAL No.303 of 2014

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1. Most. Draupadi Devi Wife of Late Ghuran Sah Resident of Village-Baghi, Post Office-Suhird Nagar, Sub Registry and Sub Division and District-Begusarai
 2. Lalan Sah Son of Ghuran Sah Resident of Village-Baghi, Post Office-Suhird Nagar, Sub Registry and Sub Division and District-Begusarai
 3. Munna Sah Son of Ghuran sah Resident of Village-Baghi, Post Office-Suhird Nagar, Sub Registry and Sub Division and District-Begusarai
 4. Most. Eno Devi Wife of Ram Bahadur Sah Resident of Village-Baghi, Post Office-Suhird Nagar, Sub Registry and Sub Division and District-Begusarai
 5. Lal Babu Sah Son of Late Ram Bahadur Sah Resident of Village-Baghi, Post Office-Suhird Nagar, Sub Registry and Sub Division and District-Begusarai
 6. Reena Devi Daughter of Late Ram Bahadur Sah Resident of Village-Baghi, Post Office-Suhird Nagar, Sub Registry and Sub Division and District-Begusarai
 7. Veena Devi Daughter of Late Ram Bahadur Sah Resident of Village-Baghi, Post Office-Suhird Nagar, Sub Registry and Sub Division and District-Begusarai
 8. Pinki Devi Daughter of Late Ram Bahadur Sah Resident of Village-Baghi, Post Office-Suhird Nagar, Sub Registry and Sub Division and District-Begusarai
 9. Rinku Devi Daughter of Late Ram Bahadur Sah Resident of Village-Baghi, Post Office-Suhird Nagar, Sub Registry and Sub Division and District-Begusarai
 10. Rohit Kumar Not Known Resident of Village-Baghi, Post Office-Suhird Nagar, Sub Registry and Sub Division and District-Begusarai
 11. Subodh Kumar Son of Late Ram Bahadur Sah Resident of Village-Baghi, Post Office-Suhird Nagar, Sub Registry and Sub Division and District-Begusarai
 12. Jahru Sah Son of Late Sonu Sah Resident of Village-Baghi, Post Office-Suhird Nagar, Sub Registry and Sub Division and District-Begusarai

... .. Petitioner/s

Versus

1. Parmanand Sah Son of Sukhdeo Sah Resident of Village-Baghi, Post Office-Suhird Nagar, Sub Registry and Sub Division and District-Begusarai
2. Parmod Sah Son of Sukhdeo Sah Resident of Village-Baghi, Post Office-Suhird Nagar, Sub Registry and Division and District-Begusarai
3. Saho devi Daughter of Balmikin Sah Resident of Village-Baghi, Post Office-Suhird Nagar, Sub Registry and Division and District-Begusarai
4. Rabo Devi Daughter of Balmiki Sah Resident of Village-Baghi, Post Office-



Suhird Nagar, Sub Registry and Division and District-Begusarai

5. Ram Sewak Sah Son of Late Suraj Sah Resident of Village-Baghi, Post Office- Suhird Nagar, Sub Registry and Division and District-Begusarai
6. Ram Charitar Sah Son of Late Sonu Sah Resident of Village-Baghi, Post Office- Suhird Nagar, Sub Registry and Division and District-Begusarai
7. Sakhichand Sah Son of Late Ram Charitar Sah Resident of Village-Baghi, Post Office- Suhird Nagar, Sub Registry and Division and District-Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Wali Ur Rahman, Advocate.
For the Opposite Party/s : Mr.Pramod Kumar Sinha, Advocate.

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT**

Date : 17-02-2020

Heard Mr. Wali Ur Rahman, learned advocate for the petitioners and Mr. Pramod Kumar Sinha for the respondents.

The plaintiffs were the second appellants and are petitioners before this Court who seek a review of the order dated 23.03.2017.

A suit of partition was filed by the petitioners asserting unity of title and jointness of possession over the suit property.



The aforesaid partition suit was contested by the defendants/opposite parties on the ground of there being partition from before.

The Trial Court decreed the suit which was reversed by the First Appellate Court.

The First Appellate Court took into account two evidence *viz.* Exhibit F/2 and Exhibit O which reflected the conveyance of suit property by the ancestors of the plaintiffs/ second appellant/petitioners to the ancestor of defendants/opposite parties.

This evidence was taken into account for reversing the Trial Court judgment and the First Appellate Court held that the suit of partition required to be dismissed as there already was a partition of the family property.

This Court in second appeal appreciated the facts and held that the First Appellate Court rightly relied upon the aforesaid documents and dismissed the second appeal



by the order dated 23.03.2017, which is sought to be reviewed by the petitioners.

Mr. Wali Ur Rahman, learned advocate for the petitioners has tried to impress upon this Court that the two documents referred to above viz. Exhibit F/2 and Exhibit O have wrongly been taken to be sale deeds by the second appellate Court whereas only F/2 is a sale deed and Exhibit O is only an unregistered agreement between the ancestors of the plaintiffs and defendants.

Apart from this, it has been urged that even in the sale deed (Exhibit F/2), there is a recitation of the fact that the land is being conveyed towards repayment of loan which was taken by the ancestor of the plaintiff/petitioner from the ancestor of the defendants.

These facts were in the knowledge of the petitioners when the second appeal was argued.

The law with respect to review (Order 47 CPC) is very clear. There is no new discovery of fact or any fact



which the petitioners could not have laid their hands upon
in the past.

That apart, this Court finds no illegality in the
order which is sought to be reviewed.

There is no merit in this petition and the same is
dismissed.

(Ashutosh Kumar, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

