

HIGH COURT OF CHHATTISGARH, BILASPUR

REVP No. 53 of 2020

- United Bank of India (Constituted Under The Provisions Of Banking Companies (Acquisition And Transfer Of Undertakings) Act, 1970) Having Its Head Office At 11, Hemanta Basu Sarani, Kolkata- 700 001 Through Our Chief Manager/ Attorney, Mr. Anindya Roy Chowdhuri S/o Late Atin Roy Chowdhury Aged About 58 Years, R/o- Jeet Tower, 3rd Floor, Opp. Rajkumar College, G.E. Road, Raipur, Chhattisgarh 492 001, District : Raipur, Chhattisgarh

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Versus

1. Saiyad Abdul Hanif S/o Late Saiyad Abdul Wahed Aged About 52 Years Muslims By Faith And Residents Of Village Nawapara, Po- Nandourkhurd, Tahsil- Sakti, District- Janjgir-Champa, Chhattisgarh.
2. Saiyed Abdul Rashid S/o Late Saiyad Abdul Wahed (Dead Deteltd) Aged About 40 Years Muslims By Faith And Residents Of Village Nawapara, Po- Nandourkhurd, Tahsil-Sakti, District- Janjgir-Champa, Chhattisgarh.
2.A.) Khursheed Saiyad Widow Of Saiyad Abdul Rashid Aged About 37 Years Muslim By Faith And Residents Of Village Nawapara, Po- Nandourkhurd, Tahsil- Sakti, District- Janjgeer-Champa, Chhattisgarh.
2.B) Saiyad Abdul Shahid S/o Late Saiyad Abdul Wahid Aged About 38 Years Muslim By Faith And Residents Of Village Nawapara, Po- Nandourkhurd, Tahsil- Sakti, District- Janjgeer-Champa, Chhattisgarh.
3. Saiyad Abdul Majid S/o Late Saiyad Abdul Wahid Aged About 30 Years Muslims By Faith And Residents Of Village Nawapara, Po- Nandourkhurd, Tahsil- Sakti, District- Janjgir-Champa, Chhattisgarh.
4. Nagarmal S/o Chameli Bai Aged About 30 Years Agrawal By Caste And Residents Of Town Sakti, Ward No. 6, Tahsil-Sakti, District- Janjgir-Champa, Chhattisgarh.
5. Kailash S/o Chameli Bai Aged About 28 Years Agrawal By Caste And Residents Of Town Sakti, Ward No. 6, Tahsil-Sakti, District- Janjgir-Champa, Chhattisgarh.
6. Sajan S/o Chameli Bai Aged About 30 Years Agrawal By Caste And Residents Of Town Sakti, Ward No. 6, Tahsil-Sakti, District- Janjgir-Champa, Chhattisgarh.

7. Vimala Devi D/o Chameli Bai Aged About 26 Years Agrawal By Caste And Residents Of Town Sakti, Ward No. 6, Tahsil- Sakti, District- Janjgir-Champa, Chhattisgarh.
8. Laxmi Bai D/o Chameli Bai Aged About 24 Years Agrawal By Caste And Residents Of Town Sakti, Ward No. 6, Tahsil- Sakti, District- Janjgir-Champa, Chhattisgarh/
9. Dipak Kumar S/o Nagarmal Aged About 21 Years Agrawal By Caste And Residents Of Town Sakti, Ward No. 6, Tahsil- Sakti, District- Janjgir-Champa, Chhattisgarh,
10. Vivek Kumar S/o Nagarmal Aged About 19 Years Agrawal By Caste And Residents Of Town Sakti, Ward No. 6, Tahsil- Sakti, District- Janjgir-Champa, Chhattisgarh.

Application for review of the judgment dated 27-8-2018 passed in

First Appeal No. 21 of 2000

By circulation in Chamber

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

14-02-2020

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 2020 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 468 days in filing the review petition is condoned.

4. By this review petition, the review petitioner seeks review of the order dated 27-8-2018 passed by this Court in First Appeal No. 21 of 2000 on the ground mentioned in the petition.
5. After going through the record of the First Appeal No. 21 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.
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 applicant.
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