

HIGH COURT OF CHHATTISGARH, BILASPUR

REVP No. 46 of 2020

- J. K. Lakshmi Cement Ltd. Co. Company Through Sanjay Arora, S/o Shri H.G. Arora, General Manager, Geology And Liaisoning, Village Malpurikhurd, Tahsil-Dhamdha, District-Durg, Chhattisgarh.

---- Petitioner

Versus

1. K. N. Kishore Central Chronicle, Nav Bharat Press, Nav Bharat Bhawan Press Complex, Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Raza Ahmed Chhattisgarh Bhumi Adhikar Raksha Manch, Pradhan Karyalay 21 / 32, Bangla Bhilai Nagar, Tahsil And District Durg Chhattisgarh.
3. R. Ajit, Chief Executive Officer Nav Bharat Press, Nav Bharat Bhawan, Press Complex, Raipur Chhattisgarh.

---- Respondents

For Applicant	:	Mr. N. Naha Roy, Advocate.
For Respondents	:	None.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

25/02/2020

Heard.

1. It is submitted that the learned District Judge has committed serious lapses in passing the impugned order. No verification was made regarding the submissions of respondent No.1 and opportunities were given to the respondent with leniency. The transfer of civil suit in question along with another civil suit for which there was no prayer, was illegal, therefore, the order of the District Judge was liable to be set aside. The authority of District Judge to transfer cases under Section 24 of Code of Civil Procedure (for short 'CPC') has restrictions

which were not considered. Therefore, it is prayed that this review petition be admitted for hearing.

2. I have heard the counsel and perused the documents on record.
3. The principles for admitting review petition simply is, that which are mentioned in the provisions of order 47 Rule 1 of the Code of Civil Procedure. Firstly, there has to be a new fact which was not before the Court earlier and could not be produced by the party despite due diligence in time. Secondly, there has to be some mistake apparent on the face of the record or there must be some other sufficient reasons.
4. Only on the above three counts an order or judgment passed can be reviewed. There is no such substance present in the review petition filed, on any of these points. Therefore, I do not find this petition fit to be admitted, which is dismissed at motion stage.

Sd/-

(Rajendra Chandra Singh Samant)
Judge