

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Order Reserved on 17.12.2019****Order Delivered on 18.02.2020****Review Petition No.243 of 2019**

(Arising out of judgment dated 04.09.2019 passed in Writ Appeal No.365 of 2019 by the learned Division Bench)

D. P. Sharaf S/o Late K.A. Sharaf, Aged About 62 Years, R/o Quarter No. E-22, 15 Block SECL Colony Korba, Tahsil and District Korba, Chhattisgarh.

---- Petitioner**Versus**

1. S.E.C.L. Through General Manager S.E.C.L. Korba Area, District Korba, Chhattisgarh.
2. S.E.C.L. Through C.M.D., S.E.C.L., Seepat Road Bilaspur, District Bilaspur Chhattisgarh.

---- Respondents

For Petitioner : Shri D.P. Sharaf, in person.

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

C A V Order**Per Parth Prateem Sahu, Judge**

1. By this review petition, petitioner is seeking review of judgment dated 04.09.2019 passed in Writ Appeal No.365 of 2019 on the ground that the grounds raised by him in writ appeal as grounds No.1, 2, 3(c), 4 and 5 have not been decided.

2. The case of the petitioner, is that, Writ Petition (C) No.1961 of 2019 (which is subject matter of Writ Appeal No.365 of 2019) was filed mainly challenging the order dated 02.05.2019 passed by Labour Court, Bilaspur (C.G.) and in that petition, the petitioner in paragraph-3 has mentioned the reason for filing of writ petition that one Writ Petition (L) No.67 of 2019 filed by the respondent-SECL is in contravention of the Order XXIX of the Code of Civil Procedure, 1908 (hereinafter referred to as 'the CPC').
3. The learned Single Judge has answered the ground raised by the petitioner questioning the authority of an officer of filing Writ Petition (L) No.67 of 2019 in view of Order XXIX of the CPC, which was pending on that date and has observed in paragraph-6 of its order.
4. Paragraph-6 of the order passed by learned Single Judge in Writ Petition (C) No.1961 of 2019 was extracted in the impugned judgment and we have held in paragraph-14 that we do not find any error in the order passed by the learned Single Judge though the pleadings in the writ appeal has been made mentioning that his writ petition may be heard in accordance with Rule 29 and 32(2)(i) of the High Court of Chhattisgarh Rules, 2007 (hereinafter referred to as 'High Court Rules').
5. Rule 29 is with regard to the jurisdiction of the Chief Justice to direct any matter to be heard by the Full Bench and sub-rule (2) of Rule 32 provides that a learned Judge sitting alone may refer the proceedings

or case to the Chief Justice for placing the case to Larger Bench, which involves a substantial question of law as to the interpretation of the provision of Constitution or any statutory enactment.

6. After taking note of the submissions, we have already held in our judgment dated 04.09.2019 that there is no error in the order passed by the learned Single Judge. We have recorded the reasons and also issued directions while disposing of the writ appeal. The jurisdiction of this Court in entertaining a review petition is very limited and the jurisdiction of review cannot be exercised as an appellate jurisdiction.
7. The Hon'ble Supreme Court in the matter of **Smt. Meera Bhanja v. Smt. Nirmala Kumari Choudhury** reported in **AIR 1995 SC 455** has held thus :

“8. It is well settled 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, C.P.C. In connection with the limitation of the powers of the Court under Order 47, Rule 1, while dealing with similar jurisdiction available to the High Court while seeking to review the orders under Article 226 of the Constitution of India, this Court, in the case of *Aribam Tuleshwar Sharma v. Aribam Pishak Sharma*, **AIR 1979 SC 1047**, speaking through Chinnappa Reddy, J., has made the following pertinent observations (para 3):

“It is true there is nothing in Article 226 of the Constitution to preclude the High Court from

exercising the power of review which inheres in every Court of plenary jurisdiction to prevent miscarriage of justice or to correct grave and palpable errors committed by it. But, there are definitive limits to the exercise of the power of review. The power of review may be exercised on the discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent on the face of the record is found; it may also be exercised on any analogous ground. But, it may not be exercised on the ground that the decision was erroneous on merits. That would be the province of a Court of Appeal. A power of review is not to be confused with appellate power which may enable an Appellate Court to correct all manner of errors committed by the Subordinate Court.....”

8. We do not find any error apparent on the face of the record. The review petition being devoid of substance, is liable to be and is hereby dismissed.

Sd/-

(P.R. Ramachandra Menon)
CHIEF JUSTICE

Sd/-

(Parth Prateem Sahu)
JUDGE