

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

REVP No. 42 of 2020

- Gulam Mohammad Khan S/o Shri Gulab Khan Aged About 60 Years R/o Raja Talab, Nurani Chowk, Tahsil And District Raipur Chhattisgarh. (Plaintiff).

---- **Petitioner**

Versus

- Nagar Palik Nigam Raipur (Chhattisgarh) Through Commissioner, Municipal Corporation , Municipal Corporation, Tahsil And District - Raipur Chhattisgarh. (Defendant).

---- **Respondent**

Application for review of the judgment dated 24-7-2019 passed in

First Appeal No. 309 of 2018

By circulation in Chamber

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

10-02-2020

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 2019 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 94 days in filing the review petition is condoned.

4. By this review petition, the review petitioner seeks review of the order dated 24-7-2019 passed by this Court in First Appeal No. 309 of 2018 on the ground mentioned in the petition.
5. After going through the record of the First Appeal No. 309 of 2018 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