

Item-3      24-06-2022

sg              Ct. 8

RVW 19 of 2022  
In  
FAT 175 of 2018

Sk. Laku, since deceased,  
represented by his legal heirs, namely  
Sk. Salauddin & Ors.  
Versus  
Sk. Riajuddin & Ors.

Mr. Dilip Kumar Samanta, Adv.  
Mr. Tapas Kumar Bhattacharya, Adv.  
Mr. D. Samanta, Adv.  
...for the appellants

Mr. Syed Shamsul Arefin, Adv.  
Mr. Syed Nurul Arefin, Adv.  
Mr. Rahul Singh, Adv.  
...for the respondent

This is an application for review.

Mr. Dilip Kumar Samanta, learned Counsel appearing for the applicants submits that there is a manifest error in our order dated 4<sup>th</sup> January, 2022 as we have allowed a reduction of the plaintiffs' share, which has been erroneously done by the learned Trial Judge.

On 4<sup>th</sup> January, 2022, we have heard the learned Counsel for the parties extensively. After hearing the learned Counsel for the parties and on consideration of the materials on record, we, inter alia, passed the following order:

*“The dispute is with retard to 4.3 decimals of land only as presently raised before us on behalf of the appellants. This is an admitted position that the learned advocate commissioner conducted the chain survey as well as took independent measurement with the assistance of the other mouza map in presence of the parties. It is significant*

*to mention that both the parties have identified the suit property and on the basis of such identification and the same being compared with the respective mouza map of plots no. 10085, 10086 and 10087, the findings were arrived at by the learned advocate commissioner. The portion taken up for partition work was 1803.03 sq.ft., that is 4.144 cents of land. The plaintiffs have claim more area which has now been curtailed by reason of the said survey report and reduced to 4.3 decimals of land in reality.*

*In our view, once the parties have duly identified the suit property and the discrepancies are negligible, there is no manifest error in the report prepared by the learned advocate commissioner.”*

We have given our reasons for reduction of the area of the plaintiffs. There was no manifest error in the order that we have passed on 4<sup>th</sup> January, 2022. Under the garb of review, the appellants cannot claim rehearing of the appeal. The only contention raised before us is that we have committed mistake in reducing the area allotted to the plaintiffs. In our judgment we have explained the basis for such reduction.

Under such circumstances, we do not find any reason to interfere with our order dated 4<sup>th</sup> January, 2022.

The review application, is, thus, dismissed. However, there shall be no order as to costs.

**(Ajoy Kumar Mukherjee, J.)**

**(Soumen Sen, J.)**