

09 17.03.2023

Ct-08

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RVW 201 of 2022
with
I.A No. CAN 1 of 2022
CAN 2 of 2022
Smt. Sabitri Das alias Ankun Das
Vs.
Tapan Kumar Nandi @ Tapan Nandy & Ors.
in
FA 33 of 2021

Mr. Surya Prasad Chattopadhyay
Mr. Arjun Samanta
... For the Review Applicant

Mr. Probal Kumar Mukherjee, Sr. Adv
Mr. Sandipto Bose
Mr. Subrata Mondal
Mr. Sujit Sharma
Mr. Sukanta Chakraborty
... For the Respondents

Re: CAN 1 of 2022

There is a delay of 85 days in presenting the review application being RVW 201 of 2022.

We are satisfied with the explanation offered for not being able to file the review application within the period of limitation, we are inclined to condone the delay of 85 days in presenting the review application.

The application for condonation of delay is, thus, allowed without any order as to costs.

CAN 1 of 2022 is thus disposed of.

Re: RVW 201 of 2022

This is an application for review of the judgment and order dated 18th May, 2022 passed in FA 33 of 2021.

We have gone through the grounds for review. Under the garb of review the appellant/applicant is now seeking to reargue and reagitate the issues that we have already

considered and decided. For an error to be apparent on record it has to be clearly visible without any further investigation or invasive enquiry.

Learned counsel for the applicant has failed to demonstrate that there is an apparent error on the face of the record. Learned counsel would argue that we have not appreciated certain facts, which if considered, could have resulted in a different finding. We are, however, not accepting the said argument. We have considered all relevant facts and on appreciation of facts and law we decided the issues. The interpretation of the facts and the evidence cannot be gone into in this proceeding. It is one thing to say that we have committed an obvious mistake and it is other thing to say that our interpretation of facts and law are erroneous. The latter situation is not a ground for review. The matter was argued at length by both the learned counsel representing the parties. We have considered the relevant evidence and the submission of the parties before allowing the appeal.

Under such circumstances, we do not find any reason to interfere with the review application.

RVW 201 of 2022 is accordingly dismissed.

In view of dismissal of the review application CAN 2 of 2022 stand dismissed.

(Ajoy Kumar Mukherjee, J.)

(Soumen Sen, J.)

