

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.554 of 2018

In
Civil Writ Jurisdiction Case No.34 of 2017

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Chandra Shekhar Singh Son of Late Firangi Singh Resident of Bazar Samiti
Road, Mahatma Gandhi Nagar, P.S.- Buxar, District- Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar through District Magistrate, Buxar.
2. The Commissioner, Patna Division, Patna.
3. The Land Reforms Deputy Collector, Buxar.
4. Prem Prakash Rai Son of Shri Kamla Kant Rai Resident of Bazar Samiti
Road, Mahatma Gandhi Nagar, P.S.- Buxar, District- Buxar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Harshvardhan Shivsundaram, Advocate
For the State	:	Mr.Asif Karim, AC to AAG12
For the Respondent No.4:		Mr. Sharavan Kumar, Advocate
		Mr.Krishna Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 11-01-2024

With the consent of the learned counsel for the
respective parties matter was heard and disposed.

2. The present Civil Review petition is filed for recalling
the order dated 10.10.2018 passed in CWJC No. 34 of 2017.

3. Learned counsel for the review-petitioner submitted
that CWJC No. 34 of 2017 was heard and reserved on 10.10.2018.
However, judgment has been issued on the same date. We have
perused order sheet maintained in CWJC No. 34 of 2017.



4. Perusal of the same, there is no recording that it was heard and reserved for judgment on 10.10.2018. That apart reading of the order dated 10.10.2018, it is evident that judgment was dictated in the open court since, it has been indicated that oral judgment. Therefore, the aforementioned contention of the petitioner to the extent that it was reserved and order has been passed on the same date is not tenable.

5. Learned counsel for the petitioner submitted that Co-ordinate Bench should not have quashed the order dated 09.03.2016. On this issue, when the judgment was dictated in the open court it should have been apprised this court to the extent that this court cannot quash the order dated 09.03.2016. Now in the review petition, review petitioner cannot agitate on the merits. The scope of review under Order 47 Rule 1 CPC is limited to the extent what is error apparent on the face of the record. Review petitioner has not apprised this Court to the extent what is error apparent on the face of the record so as to examine. On the other hand review-petitioner intends to re-argue the CWJC once again in the review petition and it is impermissible.

6. Recently, Apex Court in the case of **Sanjay Kumar Agarwal v. State Tax Officer (1) & Anr.** reported in **2023 SCC OnLine SC 1406** formulated guidelines under what circumstances



review petition can be entertained. Supreme Court lays down eight principles in Para 16, the following are the guidelines:-

“16. The gist of the afore-stated decisions is that:—

(i) A judgment is open to review inter alia if there is a mistake or an error apparent on the face of the record.

(ii) A judgment pronounced by the Court is final, and departure from that principle is justified only when circumstances of a substantial and compelling character make it necessary to do so.

(iii) An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of record justifying the court to exercise its power of review.

(iv) In exercise of the jurisdiction under Order 47 Rule 1 CPC, it is not permissible for an erroneous decision to be “reheard and corrected.”

(v) A Review Petition has a limited purpose and cannot be allowed to be “an appeal in disguise.”

(vi) Under the guise of review, the petitioner cannot be permitted to reargue and reargue the questions which have already been addressed and decided.

(vii) An error on the face of record must be such an error which, mere looking at the record should strike and it should not require any long-drawn process of reasoning on the points where there may conceivably be two opinions.

(viii) Even the change in law or subsequent decision/judgment of a co-ordinate or larger Bench by itself cannot be regarded as a ground for review.”



7. The present civil review petition is not entertainable in view of the legal position stated (supra) in the Apex Court decision. Accordingly, the present Civil Review No. 554 of 2018 stands dismissed.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

abhishekk/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

