

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.530 of 2018

In
Letters Patent Appeal No.1551 of 2013

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Mrs. Anjali Sinha Wife of Mr. Rai Rajiv Kumar Sinha Permanent Resident of
1468 Hardy Place, Fremont, California-94536, USA, at present Saraswati
Niketan Apartment, P.S.- Kotwali, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary (Home), Old Secretariat, Patna
2. Director General of Police, Bihar, Old Secretariat, Patna
3. District Magistrate, Gandhi Maidan, Patna
4. District Sub-Registrar, Patna, Gandhi Maidan, Patna
5. M/s Anant Homes Pvt. Ltd., through its Managing Director, Mr. Chandra Shekhar Kumar, having its office at South Mandiri, PS- Buddha Colony, Patna- 800001
6. M/s Mangalam Homes (India) Pvt. Ltd., through its Managing Director, Sri Sunil Kumar Verma, 190/A Main Boring Road, Near I.D.P. Petrol Pump, P.S.- S.K. Puri, District- Patna
7. Sri Sarwar Nazmi S/o Late Akhtar Sayeed Resident of Flat No.702, Nafish Palace, Sharif Colony, P.S.- Purbahore, District- Patna
8. Mr. Akildeo Singh S/o Late Raghuvansh Prasad Singh Resident of Village Ramdiri Tola, Akashpur, PO- Kamruddinpur, P.S.- Begusarai, District- Begusarai, Bihar
9. Sri Udai Kumar Singh S/o Shri Saryug Singh Resident of Village- Bahadarpur, P.S.- Arwal, District- Jehanabad, Bihar
10. Sri Pramod Kumar Singh S/o Shri Saryug Singh Resident of Village- Bahadarpur, P.S.- Arwal, District- Jehanabad, Bihar
11. Smt. Bachhi Devi W/o Late Satyadeo Singh Resident of Village- Dhanauti, P.S.- Maharajganj, District- Siwan, Presently at S.K. Nagar, House No. M-16, P.S.- Kotwali, P.O.- G.P.O., District- Patna. Presently at Sadar Bazar, Danapur, P.S.- Danapur, District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Saroj Kumar Sharma, Ac to Aag 3

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL ORDER

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

3 20-07-2024

Re:I.A. No. 01 of 2020

Heard I.A. No. 01 of 2020, there is delay about 7 days in filing Civil Review. For the reasons stated in application and read with affidavit, delay of about 7 days in filing Civil Review stands condoned. Accordingly, I.A. No. 01 of 2020 stands allowed.

2. The present Civil Review is in respect of recalling the order dated 10.10.2018 passed in LPA No. 1551 of 2013 arising out of CWJC No. 18124 of 2012. Co-ordinate Bench on page no. 25 have discussed the review petitioners grievance. The petitioner has not appraise this Court to the extent that what is error committed by the Co-ordinate Bench so as to review the order of this Court dated 10.10.2018 insofar review petitioners are concerned.

3. On the other hand, learned counsel for the review petitioners tried to re-argue the matter on merits, the same cannot be entertained in the light of Hon'ble Supreme Court decision in the case of *Sanjay Kumar Agarwal v. State Tax Officer (1) & Anr.* reported in *2023 SCC OnLine SC 1406*



wherein Hon'ble Supreme Court has elaborately considered the scope of review petition while issuing guidelines which are eight in numbers and they are as under:-

“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 reagitate 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.”

4. In the light of aforementioned position the review petition is not maintainable. Accordingly, the present Civil Review No. 530 of 2018 stands dismissed.

(P. B. Bajanthri, J)

(G. Anupama Chakravarthy, J)

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