

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.533 of 2018

In
Letters Patent Appeal No.632 of 2013

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Anant Homes Pvt. Ltd South Mandiri, P.S.- Budha Colony, District- Patna,
Bihar through its Managing Director, Mr. Chandra Shekhar Kumar.

... .. Petitioner

Versus

1. The State of Bihar through the Commissioner, Patna Division, Patna
2. The Commissioner, Patna Division, Patna
3. The District Magistrate, Patna
4. The Deputy Collector, Land Reforms, Patna Sadar Patna
5. M/s Mangalam Homes (India) Pvt. Ltd., through its Director, Sarwar Nazmi,
302, Nafish Place, Sharif Colony, Patna
6. Abhinandan Kumar Suman Son of late Ram Nagina Kumar, Resident of Flat
No.204, Sarswati Niketan Apartment, I.A.S. Colony, Kidwaipuri, P.S.-
Kotwali, District- Patna
7. The Circle Officer, Sadar, Patna.
8. The Registrar of Companies, Bihar and Jharkhand , Maurya Lok Complex,
Block A, Western Wing, 4th Floor, Dak Bungalow Road, Patna- 800001
9. The Director, Serious fraud Investigation Officer, Ministry of Corporate
Affairs, Government of India.

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Srivastava, Advocate Mr. Shashwat Srivastav, Advocate
For the Opposite Party/s :		Mr. Manoj Kumar Ambastha, SC-26 Mr. Santosh Kr. Mishra, AC to SC-26

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL JUDGMENT

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

Date : 27-11-2024

Present Civil Review is arising out of L.P.A. No.

632 of 2013, arising out of C.W.J.C. No. 7190 of 2012.

Petitioner is M/s. Anant Homes Pvt. Limited, who is arrayed as



6th Respondent in the Letters Patent Appeal No. 632 of 2013 and in the connected matters arrayed as a common Respondent.

2. Review petitioner has sought for reviewing the order dated 10.10.2018 to the extent that fraud issue has not been analyzed by the Co-ordinate Bench. On this point, he pointed out order passed in L.P.A. 661 of 2013, arising out of C.W.J.C. No. 7185 of 2012. Extract of the order at page Nos. 17 and 18 reads as under:

**“LPA No.661 of 2013 arising from
CWJC No.7185 of 2012:**

Mr. Y.V. Giri, learned senior counsel has appeared for the appellant writ petitioner to submit that the appellant is a purchaser of Flat No.305 purchased through a registered sale deed dated 21.12.2010 from M/s Mangalam Homes. He submits that mutation has been carried out with the Patna Municipal Corporation on 25.07.2011 and possession taken. It is submitted that the appellant writ petitioner was not made party at any stage of the proceeding yet eviction notice was issued by the Circle Officer, Patna Sadar on 03.04.2012 impugned at Annexure 1 to the writ petition.



He further submits that there is no claimant to the flat at any stage until an interlocutory application is filed by one Savitri Devi at the stage of remand of the matter bearing I.A. No. 5971 of 2018 claiming purchase of the same flat from M/s Anant Homes on 03.03.2012 which is after two years from the date of purchase made by the appellants. Mr. Rashid Izhar appears for the intervener to claim the said flat and to submit that the sale made by M/s Mangalam Homes to the appellant-writ petitioner is an act of fraud because they had no authority to sell the flat.”

3. If there is any error committed in the aforementioned paragraphs, the same cannot be adjudicated in the form of Civil Review petition. Alleged travel is that M/s Mangalam Homes sold the flat to Appellant-Petitioner was without the authority of law. In that event 6th Respondent shoyuld have challenged such sale proceedings before appropriate forum in view of alleged disputed aspects. Scope of Civil Review is limited in the light of Section 114 of the Limitation Act read with Order 47 Rule 1 of C.P.C. Scope of



Review has been elaborately considered by the Hon'ble Supreme Court in the case of ***Sanjay Kumar Agarwal v. State Tax Officer (1) & Anr.*** reported in ***2023 SCC OnLine SC 1406***. In fact, Hon'ble Supreme Court while deciding the aforementioned case has taken note of eight points. The eight points in Para-16 reads 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. Review petitioner has not made out a case so as to review the order dated 10.10.2018 passed in Letters Patent Appeal No. 632 of 2013. Accordingly, present Civil Review No. 533 of 2018 stands dismissed. Pending I.A. if any, stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

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AFR/NAFR	NAFR
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