

IN THE HIGH COURT AT CALCUTTA**(Civil Revisional Jurisdiction)****Appellate Side**

Present:

The Hon'ble Justice Bibhas Ranjan De**RVW 85 of 2023****In****C.O. 318 of 2023****Mrs. Purnima Das @ Purnima Das Chowdhury & Anr.****Vs.****Mrs. Bipasha Raha & Anr.**

For the Petitioner

:Mr. Aneek Pandit, Adv.

Ms. Sonakshi Mitra, Adv.

Mr. Ali Rizvi, Adv.

Ms. Tanistha Jain

Mr. Avijit Kundu, Adv.

For the Opposite parties

:Mr. Gopal Chandra Ghosh, Adv.

Mr. Sayan Sengupta, Adv.

Heard on

: 11.08.2023, 21.09.2023,
24.11.2023, 03.01.2024**Judgment on****:24th January, 2024**

Bibhas Ranjan De, J.

1. By this review application Learned Counsel Mr. Aneek Pandit appearing on behalf of the petitioners has tried to make this Court understand that the principle enunciated in ***Gautam Paul Vs. Devirani Paul reported in AIR 2001 Supreme Court 61***, has not been taken into account though the principle is quoted in paragraph 19 of the Judgement dated 21.04.2023 in connection with C.O. No. 318 of 2023.
2. Tone and tenor of the review application suggests that the non-application of principle is an error in the face of the record.
3. Ld. Counsel, Mr. Gopal Chandra Ghosh, appearing on behalf of the respondents has referred to the decisions of this Court in paragraph 23 onwards wherein ratio of ***Gautam Paul*** (supra) was duly taken into account.

Decision:-

4. In a recent case of ***Pancham Lal Padey Vs. Neeraj Kumar Mishra and others*** reported in ***AIR 2023 Supreme Court 948*** Hon'ble Apex Court handed down the following principle:-

“The Provision of review is not to scrutinize the correctness of the decision rendered rather

to correct the error, if any, which is visible on the face of the order/record without going into as to whether there is possibility of another opinion different from the one expressed”.

5. Moreover, it is settled that in exercising the review jurisdiction the review court does not sit in an appeal over its own order. Re-hearing of the matter was impermissible in law and the same cannot be considered as an appeal in disguise. The power of review can only be exercised for correction of a mistake but not to substitute a view, thus, the same is wholly unjustified to rewrite a judgment by which the controversy had already been decided and erroneous order may be subjected to appeal before the higher forum but cannot be a subject matter of review.
6. In our case, this Court took the ratio of all the cases referred to including **Gautam Paul** (supra) into consideration in terms of the Provision 4 of the Partition Act, 1893 in course of discussion in paragraph 23 onwards leaving no scope for further interpretation/ analysis.
7. In the aforesaid view of the matter, the review application RVW 85 of 2023 being devoid of merits stands dismissed.

8. All parties to this revisional application shall act on the server copy of this order downloaded from the official website of this Court.
9. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

[BIBHAS RANJAN DE, J.]