

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.52 of 2023

In
SECOND APPEAL No.55 of 2021

-
-
1. Sheo Nandan Rai, (M), aged about 90 years, son of late Ram Pratap Rai,
 2. Krishna Nandan Rai, (M), aged about 70 years,
 3. Braj Nandan Rai, (M) aged about 68 years,
Both son of Sri Sheo Nandan Rai,
 4. Sri Savitri Devi @ Savitri Devi, (F), aged aout 56 years, wife of Sri Raj Nandan Rai,
All resident of Village, P.O. and P.S. Matihani, District- Begusarai.
- Petitioner/s

Versus

1. Smt. Pramila Devi, (F), wife of late Ram Chandra Kuar, resident of Village Bakhadda, P.S. Matihani, District Begusarai.
 2. Mahanth Ram Jeewan Das College, Asthal Bishanpur, Begusarai through the Principal.
- Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Sumiran Singh, Advocate
For the OP No.2	:	Mr. Girijesh Kumar, Advocate Mr. Akash Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

7 28-11-2025 Heard Mr. Ram Sumiran Singh, learned counsel for the petitioner and Mr. Girijesh Kumar, learned counsel for the opposite party no.2.

2. This application has been filed for review of the order dated 20.12.2022 passed by this Court in Second Appeal No.55 of 2021 by which the second appeal was dismissed at the stage of admission under Order XLI Rule 11 of Code of Civil Procedure.

3. Learned counsel for the petitioners submits that



some facts as well as laws could not be placed before the Court at the time of argument which require to be considered afresh in this review application. Further submission is that some new facts have come to the knowledge of the petitioners which also require to be considered by the Court.

4. On the other hand, learned counsel for the opposite party no.2 submits that a review cannot be treated as an appeal in disguise. A review can only be entertained when there is an error apparent on the face of the record and the learned counsel for the petitioners has failed to point out any apparent error. Learned counsel for the opposite party no.2 further submits that recently Hon'ble Supreme Court in ***Civil Appeal No.2322 of 2013*** in the case of ***Kolanjiammal (D) through LRS Vs. The Revenue Divisional Officer, Perambalur District & Ors.*** has held as follows:

“Furthermore, it is well settled that a review proceeding cannot be treated as an appeal in disguise. As held in Lily Thomas v. Union of India, (2000) 6 SCC 224 and Parsion Devi & Others v. Sumitri Devi & Others, (1997) 8 SCC 715, a review can be entertained only when there is an error apparent on the face of the record. The findings of the High Court are based on a comprehensive appreciation of facts and law and no such error has been demonstrated by the appellant.”

5. Learned counsel for the opposite party no.2 submits



that the impugned order which has been sought to be reviewed is a well discussed order and the counsel for the petitioners has failed to point out any apparent error on the face of the record.

6. Having considered the facts and circumstances of the case and the discussions made here-in-above, I am of the view that this review application has got no merit since the counsel for the petitioners has failed to point out any apparent error which requires review of the order impugned. By way of review, learned counsel for the petitioners wants to bring some new additional facts which is not permissible in a review application.

7. In the result, this review application is dismissed having no merit in it.

(Khatim Reza, J)

J. Alam/-

U			
---	--	--	--

