

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.137 of 2023

In
Miscellaneous Appeal No.473 of 2015

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Yogendra Kumar Das Son of Late Ram Kishun Das, resident of Mohalla -
Hasan Chow, Police Station - Lalbagh, District- Darbhanga (Owner).

... .. Petitioner/s

Versus

1. The Branch Manager, The New India Assurance Company Ltd. Darbhanga Branch Office, registered office at Mohalla - Kathalbari, P.O.- Lalbagh, District- Darbhanga.
2. Neelam Devi, Wife of Shatrudhan Bari, Resident of Mohalla - Chunabhathi, Near Naka No. 8, Police Station - LNMU, District - Darbhanga.
3. Shatrudhan Bari, Son of Ram Sogarath Bari, Resident of Mohalla - Chunabhathi, Near Naka No. 8, Police Station - LNMU, District - Darbhanga.
4. Surendra Yadav, Son of Late Sant Lal Yadav, resident of village - Gaunsaghat, Police Station - Sadar, District Darbhanga (Driver).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Nilendu Choudhary, Adv. Mr. Abhay Kumar, Adv.
For the Opposite Party/s :		Mr. Durgesh Kumar Singh, Adv. Mr. Abhijeet Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

10 18-07-2025 Heard the parties.

2. The present review petition has been filed by Yogendra Kumar Das (the review petitioner) against the order dated 13-04-2023 passed in Miscellaneous Appeal No. 473 of 2015 passed by this court.

3. By the order dated 13-04-2023, this court found that it was the liability of the petitioner (owner of the vehicle) to indemnify the claimants. By the Judgment and order of the



lower court, New India Assurance Company Ltd. was directed to make payment to the claimants and, was also directed to recover that amount from owner of the vehicle (review petitioner).

4. The petitioner appeared in M. A. No. 473 of 2015 and filed Vakalatnama but thereafter, he did not turn up.

5. If a person after filing Vakalatnama does not turn up for hearing and the order is passed against him, it cannot be a ground for review under the provisions of Order XLVII of the Code of Civil Procedure, 1908.

6. From bare perusal of Order XLVII of the Code of Civil Procedure, it transpires that only an error on the face of record can be reviewed. Failure of the learned counsel in appearing before the court is not an error apparent on the face of the record. So the order dated 13-04-2023 passed in Miscellaneous Appeal No. 473 of 2015 cannot be reviewed.

7. Accordingly, the present review petition is *dismissed*.

(Nawneet Kumar Pandey, J)

A.K.V.//-

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