

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.227 of 2024

In
Civil Writ Jurisdiction Case No.4945 of 2023

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Bijendra Kumar S/o Rameshwar Mandal R/o Jolhaniya, P.S. Pipara, District-Supaul. At present posted as Assistant Electrical Engineer, Electric Supply Sub-Division, Saharsa (Rural).

... .. Petitioner/s

Versus

1. The North Bihar Power Distribution Company Limited through the Chairman cum Managing Director, North Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna.
2. The Chairman cum Managing Director, North Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna.
3. The General Manager (Human Resources/Administration), North Bihar Power Distribution Company Limited, Patna.
4. The Deputy Secretary, North Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna.
5. The Under Secretary, North Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Jai Prakash Verma, Advocate
For the Opposite Party/s	:	Mr. Vinay Kirti Singh, Advocate
		Mr. Kunal Tiwary, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 14-02-2025 The provision of review is stated in Section 114 of the Code of Civil Procedure. The provision runs thus :-

“**114. Review.**--Subject as aforesaid, any person considering himself aggrieved—

(a) by a decree or order from which an appeal is allowed by this Code, but from which no appeal has been preferred.

(b) by a decree or order from which no appeal is allowed by this Code, or



(c) by a decision on a reference from a Court of Small Causes, may apply for a review of judgment to the Court which passed the decree or made the order, and the Court may make such order thereon as it thinks fit.”

2. In the instant case, the petitioner has filed an application for review of the judgement passed in CWJC No.4945 of 2023 on 20.06.2024 with regard to an observation made in paragraph No.3 of the judgement where it is stated by the Court :-

“3. The allegation against the petitioner is that he issued the cheque of Rs.2,42,402/- being payment of rental of hiring of the said Car to one Pramod Kumar Jaiswal.”

3. It is submitted by the learned Advocate for the petitioner that the petitioner did not issue any cheque he is not an issuing authority, the cheque was issued by the Electrical Executive Engineer, he only handed over the said cheque to one Pramod Kumar Jaiswal.

4. It is needless to say that an order/judgement is required to be read as a whole. By taking up some observation made by the Court here and there it cannot be held that the Court had passed some order or made some observation which is factually incorrect.



5. On perusal of the judgement, it is found that an agreement for running a hired vehicle by the Electricity Department at Banmankhi was executed with one Amit Kumar. As per the agreement, Amit Kumar was the person who was entitled to receive the cheques being the rental amount. Paragraph No.3 of the judgement states that the petitioner handed over the said cheques to another person namely, Pramod Kumar Jaiswal, who did not have any privity of contract with the electricity department. The word ‘issued’ in paragraph No.3 of the judgment was used by this Court for the meaning ‘handed over’.

6. On perusal of the entire judgment, I do not find any ground for reviewing the impugned order dated 20.06.2024 passed in CWJC No.4945 of 2023. Accordingly, the instant writ petition is dismissed.

(Bibek Chaudhuri, J)

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