

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.259 of 2024

In
Miscellaneous Appeal No.113 of 2022

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Prabhash Kumar S/o Late Someshwar Lal Resident of Flat No.- 613/B, Lotus Apartment, Road No.- 1 F, New Patliputra Colony, P.S.- Patliputra, District- Patna.

... .. Petitioner

Versus

Anupma Kumari W/o Sri Prabhash Kumar, D/o Late Binod Kumar Karn Resident of H/O No.- 12, Road No.- 10, East Patel Nagar, P.S.- Shastrinagar, District- Patna, At present resident of Flat No.- 102, Kailash Enclave, Professor Colony, P.S.- Shastrinagar, District- Patna.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Prabhash Kumar, in person
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
CAV JUDGMENT
(Per: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY)

Date : 14-05-2025

The present Civil Review petition is filed for reviewing judgment dated 17.05.2024 passed in Misc. Appeal No. 113 of 2022.

2. Grievance of the petitioner-Prabhash Kumar, who appeared in person in the Court, is that this Court had given time line of six months to dispose of Matrimonial Case No. 481 of 2011 from the date of receipt/production of a copy of the judgment. It has been submitted that time frame of six months is in contravention of the judgment passed by the Constitutional Bench of Hon'ble Supreme Court in the case of *High Court Bar*



Association, Allahabad vs. State of U.P. & Ors. Petitioner has emphasized that Constitutional Courts, in the ordinary course, should refrain from fixing a time-bound schedule for the disposal of cases pending before any other Courts and Constitutional Courts may issue directions for the time-bound disposal of cases only in exceptional circumstances. Petitioner has submitted that the issue of prioritizing the disposal of cases should be best left to the decision of the concerned Courts where the cases are pending.

3. The present review petition is related with M.A. No. 113 of 2022 arising out of Matrimonial Case No. 481 of 2011 and matter is remitted back by this Court to the learned Additional Principal Judge, Family Court, Patna to decide the counter claim alongwith issues arising in present divorce petition, on its own merit in accordance with law within a period of six months from the date of receipt/production of a copy of the judgment, after giving ample opportunity of adducing evidence and hearing to the respective parties and the parties were also directed to co-operate in disposal of Matrimonial Case No. 481 of 2011.

4. In the present case, the marriage between the parties was solemnized on 09.07.2010 according to Hindu Rites



and Customs and by virtue of judgment dated 25.02.2022 and decree dated 26.02.2022 passed in Matrimonial Case No. 481 of 2011 marriage between both the parties has been dissolved. From the date of marriage to the date of its dissolution, more than ten years have already elapsed and now, from the date of judgment and decree of divorce to till date, three years have elapsed. This court has remitted the matter to the concerned Family Court after assessing the best interest of the litigant and both parties have lost near about 15 years in litigation and up till now, the case has not been finally decided. In matrimonial cases, relation between husband and wife are always at stake and if amicable settlement does not take place, then in that circumstance, parties valuable life time would defeat and it cannot revive, therefore, matter is to be heard expeditiously so that party could lead remaining part of the life without litigation. In the present case, both parties have lost their life nearly about 15 years in litigation and very purpose for establishment of Family Court is to promote conciliation and to secure speedy settlement of dispute related to marriage and family affairs and for the matter connected with and keeping in view that both parties have lost their precious time in litigation the dispute between the parties should not linger for many years rather in



the interest of both parties it should be decided within time frame, which is suited according to the facts and circumstances of the present case.

5. The party, in person, has submitted that he seeks review of the order on the issue of time line which has been given by this Court to the Family Court. He has not pointed out that despite being the order passed one year back, what is the present progress of the concerned trial and he has come to the Court for review of the order passed by this Court. In this way, he wants to linger the matter at one pretext or another though marriage took place in the year 2010 and the matter has already been decided by the family Court in the year 2022. It is a matter of great hardship for the litigant to continue the case for such a long period in such a matrimonial dispute where half of the age has already been spent in litigation before the Court. In the interest of justice, the time frame is given in exceptional situation. In the present case parties have already spent so much time in litigation in such a matrimonial dispute, so six months' time frame was given to the concerned Court to decide the matter after hearing both the parties. The petitioner has intentionally approached this Court without pointing out as to what is the present status of the trial and how much time will



be taken to conclude the trial. Generally, the Court concerned, who faces difficulty in deciding the matter within the time frame, may seek extra time for disposal of the case. In the present case, the Court has not come up expressing its difficulty in disposal of the case, rather the party in person came to the Court stating that time line is not needed in the present case. In such scenario, the grievance of the petitioner, in person, is devoid of any merit and accordingly, the present review petition is liable to be dismissed.

6. In the light of aforesaid facts and circumstances of the case, it is necessary to quote para 37 (c) of judgment of Constitutional Bench of Hon'ble Supreme Court rendered in the case of ***High Court Bar Association, Allahabad vs. State of U.P. & Ors.*** which reads as under:-

"37(c)"Constitutional Courts, in the ordinary course, should refrain from fixing a time-bound schedule for the disposal of cases pending before any other Courts. Constitutional Courts may issue directions for the time-bound disposal of cases only in exceptional circumstances. The issue of prioritising the disposal of cases should be best left to the decision of the concerned Courts where the cases are pending.

The cited decision on behalf of party in person is not assisting having regard to the factual aspect of the matter.

7. Besides this, scope of review is limited in the



light of Order 47 Rule 1 of CPC. Hon'ble Apex Court in the case of ***S.Murali Sundaram vs. Jothibai Kannan & Ors.*** reported in ***2023 SCC OnLine SC 185*** elaborately considered under what circumstances courts can review its own order. Recently in yet another decision in the case of ***Sanjay Kumar Agarwal v. State Tax Officer (1) & Anr.*** reported in ***2023 SCC OnLine SC 1406*** Hon'ble Supreme Court lays down eight principles in Para 16 which 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.”

8. In the light of principles laid down by the Hon'ble Apex Court in its decision, the petitioner has also not made out a case so as to review the judgment dated 17.05.2024 passed in Misc. Appeal No. 113 of 2022. Hence, the civil review petition stands dismissed.

9. Under the aforesaid facts and circumstances, cost of Rs. 5000/- is necessary to be imposed on the petitioner so that he should not litigate the matter unnecessarily just to keep the record pending for indefinite period. Hence, cost of Rs. 5000/- (rupees five thousand) is imposed upon the petitioner-Prabhash Kumar which shall be remitted to the



Lawyer's Association Welfare Benevolent Fund having Bank
Account No. 7801893276.

10. Pending I.A., if any, stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

shahzad/-

AFR/NAFR	AFR
CAV DATE	02.05.2025
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