

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.293 of 2025

In
Civil Writ Jurisdiction Case No.15622 of 2025

=====

Shree Kant Singh @ Srikant Singh, Son of Late Ravi Shankar Singh, Resident
of Village- Sarthua, P.S. Udwanthnagar, District-Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and
Land Reforms Department New Secretariat, Patna.
2. The District Magistrate, Bhojpur at Ara.
3. The Deputy Collector, Land Reforms, Ara, Bhojpur.
4. The Circle Officer, Udwant Nagar, Bhojpur at Ara.
5. The Officer in Charge cum S.H.O., Udwant Nagar, Bhojpur at Ara.
6. Barmeshwar Singh, Son of Late Kishun Singh, Resident of Village-Sarthua,
P.S. Udwanthnagar, District-Bhojpur at Ara.
7. Kumar Ajit, Son of Deo Nath Singh, Resident of Village-Sarthua, P.S.
Udwanthnagar, District-Bhojpur at Ara, at presently residing at C-19,
Akanksha Kunj, Civil Centre, Bhilai Durg, Chhatisgarh- 490006.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Aditya Narayan Singh-1, Adv. Mr. Shivam Aniket, Adv.
For the Respondents	:	Mr. D.S. Vidyarthi, Adv.
For the State	:	Mr. Nagendra Prasad Yadav, (SC-23)

=====

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 18-03-2026 The instant civil review application has been filed by

the petitioner with a prayer to review the order dated 14.10.2025

passed in CWJC No. 15622 of 2025.

2. Mr. Aditya Narayan Singh-1, learned counsel

appearing for the petitioner by referring to the paragraphs nos.



7, 8, 9 and 10 of the writ application in CWJC No. 15622 of 2025, submits that in these paragraphs, the petitioner of the said writ suppressed the material facts concerned to the Amin report and thereby misled this Court and in actual, no measurement of the land in question had been done and in this regard, wrong submission was made and accordingly, the petitioner of the writ application, who is O.P. No. 7 in the present review application, committed fraud upon this Court. It is further submitted that the said O.P. did not give the details of the Title Suit No. 1213 of 2023 relating to the same issue before this Court in the writ application and thereby also misleading this Court and the disclosure of the said Title Suit was very important, and its suppression affected this Court while passing the final order dated 14.10.2025 in the writ application. In support of these submissions, learned counsel has placed reliance upon the judgments of the Hon'ble Supreme Court passed in the cases of

(i) **S.P. Chengalvaraya Naidu (Dead) by LRS. vs. Jagannath (Dead) By LRS. & Ors.** reported in **1993 SCC Online SC 318**, relevant paragraphs number 1, 5 and 6 of the judgment upon which reliance has been placed are being reproduced as under:-

“1. Fraud avoids all judicial acts, ecclesiastical or temporal” observed Chief



Justice Edward Coke of England about three centuries ago. It is the settled proposition of law that a judgment or decree obtained by playing fraud on the court is a nullity and non est in the eyes of law. Such a judgment/decreed by the first court or by the highest court- has to be treated as a nullity by every court, whether superior or inferior. It can be challenged in any court even in collateral proceedings.

5. The High Court, in our view, fell into patent error. The short question before the High Court was whether in the facts and circumstances of this case, Jagannath obtained the preliminary decree by playing fraud on the court. The High Court, however, went haywire and made observations which are wholly perverse. We do not agree with the High Court that “there is no legal duty cast upon the plaintiff to come to court with a true case and prove it by true evidence”. The principle of “finality of litigation” cannot be pressed to the extent of such an absurdity that it becomes an engine of fraud in the hands of dishonest litigants. The courts of law are meant for imparting justice between the parties. One who comes to the court, must come with clean hands. We are constrained to say that more often than not, process of the court is being abused. Property-grabbers, tax-evaders, bank-loan-dodgers and other unscrupulous persons from all walks of life



find the court-process a convenient lever to retain the illegal gains indefinitely. We have no hesitation to say that a person, who's case is based on falsehood, has no right to approach the court. He can be summarily thrown out at any stage of the litigation.

6. The facts of the present case leave no manner of doubt that Jagannath obtained the preliminary decree by playing fraud on the court. A fraud is an act of deliberate deception with the design of securing something by taking unfair advantage of another. It is a deception in order to gain by another's loss. It is a cheating intended to get an advantage. Jagannath was working as a clerk with Chunilal Sowcar. He purchased the property in the court auction on behalf of Chunilal Sowcar. He had, on his own volition, executed the registered release deed (Ex. B-15) in favour of Chunilal Sowcar regarding the property in dispute. He knew that the appellants had paid the total decretal amount to his master Chunilal Sowcar. Without disclosing all these facts, he filed the suit for the partition of the property on the ground that he had purchased the property on his own behalf and not on behalf of Chunilal Sowcar. Non-production and even non-mentioning of the release deed at the trial is tantamount to playing fraud on the court. We do not agree with the observations of the High Court that the appellants-defendants could have easily



produced the certified registered copy of Ex. B-15 and non-suited the plaintiff. A litigant, who approaches the court, is bound to produce all the documents executed by him which are relevant to the litigation. If he withholds a vital document in order to gain advantage on the other side then he would be guilty of playing fraud on the court as well as on the opposite party."

(ii) State of A.P. & Anr. Vs. T. Suryachandra Rao

reported in **2005 SCC Online SC 1079**, relevant paragraph no. 8 of the judgment upon which reliance has been placed is being reproduced as under:-

8. By "fraud" is meant an intention to deceive; whether it is from any expectation of advantage to the party himself or from ill-will towards the other is immaterial. The expression "fraud" involves two elements, deceit and injury to the person deceived. Injury is something other than economic loss, that is, deprivation of property, whether movable or immovable, or of money, and it will include any harm whatever caused to any person in body, mind, reputation or such others. In short, it is a non-economic or non-pecuniary loss. A benefit or advantage to the deceiver, will almost always cause loss or detriment to the deceived. Even in those rare cases where there is a benefit or advantage to



the deceiver, but no corresponding loss to the deceived, the second condition is satisfied. [See Vimla (Dr.) v. Delhi Admn. and Indian Bank v. Satyam Fibres (India) (P) Ltd.]

(iii) Rama Sahni and Anr Vs. The State of Bihar and Ors. reported in **(2010) 1 PLJR 499** relevant paragraph no.11 of the judgment upon which reliance has been placed is being reproduced as under:-

"11. The facts aforesaid indicate that the petitioners have got an order in their favour by suppressing certain relevant facts with respect to this case. The claim of the petitioners that their ancestors and thereafter the petitioners have been in possession over the lands since 1922 is apparently falsified by the facts that the lands have passed through several hands and it was as far back as in the year 1922 that the petitioners' forefathers were inducted as bataidars. It is also apparent that after the mortgage was redeemed, the forefathers of the petitioners were not retained as bataidars and as such it is difficult to believe that after a gap of several decades, they have filed an application claiming that they are the bataidars of the lands more so when their application under Section 48(E) of the Act has been rejected. It is true that a second revision application will not lie in view of the amendment in the Act, however, the



Court cannot ignore and shut its eyes to the facts that have been brought on record. It is well settled principle of law that fraud vitiates all actions and once it is noticed by the Court that there is suppression of facts and orders have been obtained by one or the other party by such suppression of a relevant document, as in this case, this Court cannot justify or uphold the orders so obtained. The very basis of the claim for possession and title in this case is that the petitioners claim to be bataidars and as such they have had prayed that the jamabandi of the respondents be cancelled and their names be entered in the Register-II. If it was brought to the notice of the Land Reforms Deputy Collector that the petitioners have lost their claim of being bataidars, and their application was rejected by a competent authority under Section 48E of the Bihar Tenancy Act, the Land Reforms Deputy Collector could not have entertained their application for cancellation of the jamabandi.

3. On the other hand, learned counsel appearing for the O.P. No.7 submits that there was no suppression on the part of this O.P. in the writ application no. 15622 of 2026 as the statements made in the paragraph nos. 7, 8, 9 and 10 were based on the Annexures, which were also filed with the writ application.



4. Mr. Nagendra Prasad Yadav, learned counsel appearing for the State-respondents, submits that State has filed its counter affidavit in this review application and no suppression of the relevant facts was made by the O.P. No.7 in the writ application no. 15622 of 2025.

5. Heard both the sides and perused the relevant materials. The provisions of Order XLVII Rule 1 of Code of Civil Procedure deal with the review jurisdiction of a Court and according to these provisions, an order can be reviewed, only in three circumstances:

i) discovery of new and important matter or evidence which, despite the exercise of due diligence, was not within the knowledge of the applicant or could not be produced by him at the time when the order was passed.

ii) mistake or error apparent on the face of the record.

iii) any other sufficient reason.

6. The petitioner's counsel has mainly taken the ground for review that the O.P. No.7 made false statements mentioned in the paragraph nos. 7, 8, 9 and 10 of the writ petition and thereby misleading this Court and the second ground is that the details of the Title Suit No. 1213 of 2023 pertaining to the land in question were not disclosed by the said



O.P. before this Court. After perusing the paragraph nos. 7, 8, 9 and 10 of the writ petition, this Court finds that the statements made therein were based on the Annexures and further, by the order dated 14.10.2025, this court simply directed the D.C.L.R. Ara to ensure compliance with his own order as per the provisions of law and admittedly, at that time, the said order was not under challenge before any other competent Court. This court finds no substance in the aforesaid grounds as firstly the statements made in the said paragraphs relate to the facts based on the Annexures and secondly, they relate to the contents of those Annexures and this Court is of the view that the O.P. No.7 did not mislead this Court while making submissions based on these Annexures and accordingly, this Court finds no merit in this review application, so, it stands dismissed.

(Shailendra Singh, J)

Rajiv/-

U			
---	--	--	--

