

In the court of Civil Judge (Sr. Division)-VI, Patna City

T.S. 67/1995

Order

25-06-2024

Plaintiff, Sanjay Kumar Sinha & Defendant No. 2, Defendant No. 3, Defendant No. 8 to 8/b and Defendant No. 10 to 13 are in attendance and they are represented through their learned counsel.

Today the record is put for an order on a review petition U/o XLVII R 1 of the CPC.

The review petition dt. 14-03-2023 was filed on behalf of Sanjay Kumar Sinha U/o XLVII R 1 of the CPC praying to review the order impugned dt. 15-02-2023, passed in the suit and accordingly add Sanjay Kumar Sinha as Defendant No. 1 in place of C M Roy Saxena. Thereafter, the rejoinder to the review petition was filed on behalf of defendant no. 8 to 8/b on 27-03-2023. A rejoinder was also filed on behalf of plaintiff on 03-04-2023. Some documents and case laws were filed by learned advocate of petitioner and opposite parties on 24-06-2024 during the course of hearing.

Heard both the parties and perused the case record. From the perusal of case record it appears that the learned court in its order dt. 15-02-2023 rejected the petition filed on behalf of Sanjay Kumar Sinha to substitute him in place of defendant no. 1. So, the review petition filed on behalf to review the order dt. 15-02-2023 along with some documents in support of review petition U/o XLVII R 1 of the CPC. As per law the review petition is maintainable only under certain limited grounds, like discovery new and important matter or evidence which, after the exercise of due diligence, was not within party knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other

In the court of Civil Judge (Sr. Division)-VI, Patna City
T.S. 67/1995

sufficient reason. The petitioner claimed to be appointed as Secretary of Maharaja Kunwar Roop Narayan Singh Trust through notification no. 2825 dt. 02-02-2021 of the BHRT Board. But the learned Sub Judge-VI in his order dt. 15-02-2023 has already decided the issue with reasoned order and rejected his claim and petition to substitute him as defendant no. 1. Provision of review U/o XLVII R 1 of the CPC is not an appeal in which evidence can be reappreciated to decide an issue. The petitioner has failed to point out any error apparent of the face of record. The issue presently raised the review petition has already been decided by this learned court after considering the material on record produced by the parties. No new evidence or material was produced by the petitioner, so as to warrant interference in the earlier order.

Hence, after considering the above facts and circumstances this court in the interest of justice do not deem it proper to review the order dt. 14-03-2023 and accordingly, the review petition U/o XLVII R 1 of the CPC is accordingly rejected. Put on for further proceeding.

Civil Judge (Sr. Division)-VI
Patna City