



ORDER BELOW EXH.24 IN SPECIAL CIVIL SUIT NO.22/2022.

Shri.Lingraj Ramchandra Keripale.

V/s.

Ravikaran Mohan Tavdare.

Defendant has moved the present application for review of the order passed below Exh.17 (application for rejection of plaint) by taking recourse to Order 47 Rule 1 of the Code of Civil Procedure, 1908 contending therein that, he has raised contention in the application below Exh.17 to the effect that, plaintiff has not given the details about the valuation and so it cannot be ascertained what court fee is required to be paid.

Application is opposed by plaintiff on the ground that, defendant has raised the contention in his application for rejection of plaint and valuation is correctly done. Present application is filed only to delay the matter even though, plaintiff is senior citizen. So, plaintiff has requested for rejection of application with cost.

2. Heard learned counsel for parties. Perused record.
3. Learned counsel for defendant has relied upon following case laws.

1.	A. K.A. CT. VCT. Meenakshisundaram Chettiar Vs. A. K.A. CT. VCT. Venkatachalam Chettiar reported in AIR 1979 Supreme Court 989.
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2.	Abdul Hamid Shamsi Vs. Abdul Majid and Others decided in Civil Appeal No.1004 of 1988 by the Hon'ble Calcutta High Court.
3.	Subhash Chand Jain Vs. The Chairman, M.P Electricity Board reported in AIR 2001 MP 88.
4.	Tara Devi Vs. Sri Thakur Radha Krishna Maharaj reported in 1987 (2) UJ 329 SC.

I have gone through the case laws of Hon'ble Apex Court and Hon'ble High Court filed by learned advocate for defendant. The above case laws are in respect of valuation and court fee and not in respect of review and so not helpful to the defendant.

4. The provisions in S.114 and O.47, R.1 of the Code prescribe the requirements to be complied with before exercising the power of review, its extent and the limitations subject to which it should be exercised. The review proceedings are not by way of appeal and have to be strictly confined to the scope and ambit of O.47 R.1. A review may be based on any of the following reasons :

- (i) discovery of new and important matter or evidence; or
- (ii) mistake, or error apparent on the fact of the record: or
- (iii) any other sufficient reason.

If the conditions are satisfied, the court should exercise the power.

Review may be allowed where there is a mistake or an error apparent on the face of record. An error apparent on the face of record cannot be defined precisely or exhaustively, there being an element of indefiniteness in its very nature, and must be determined judicially on the facts of each case.

5. Upon going through the order passed below application (Exh.17) for rejection of plaint, it appears that it is decided upon the

merit of the case and there is no ground to review the order as asserted by the present defendant. Consequently, the following order.

ORDER

1. Application is hereby rejected.

Jaysingpur.

Date : 28/03/2025.

(Y. H. S. Deshmukh)

Civil Judge Senior Division,
Jaysingpur, Dist.Kolhapur.