



2026:CGHC:18277

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

REVP No. 113 of 2026

1. Smt. Asha Devi W/o Shri Patiram Sao Aged About 45 Years R/o 6/675 Nageshwar Nagar Near Kabir Stambh, Birgaon Urla, Tehsil And Distt. Raipur, Chhattisgarh.
2. Shri Patiram Sao S/o Umashankar Sao Aged About 50 Years R/o 6/675 Nageshwar Nagar, Near Kabir Stambh, Birgaon Urla, Tehsil And Distt. Raipur, Chhattisgarh (Driver)

... Petitioner(s)

versus

1. Mahesh Kumar Dewangan S/o Late Ramhau Dewangan Aged About 60 Years (Husband Of The Deceased), By Caste Kosta, Occupation Tailor R/o Village Rivagahah, Post Pendrei P.S. Labag, Tehsil And Distt. Rajnandgaon, Chhattisgarh.
2. Poonam Kumar Dewangan S/o Mahesh Kumar Dewangan Aged About 42 Years (S/o The Deceased) By Caste Kosta, Occupation Laborer, R/o Village Rivagahan, Post Pendrei P.S. Labag, Tehsil And Distt. Rajnandgaon, Chhattisgarh.
3. Deepak Kumar Dewangan S/o Mahesh Kumar Dewangan Aged About 38 Years (S/o The Deceased) By Caste Kosta, Occupation Laborer, R/o Village Rivagahan, Post Pendrei P.S. Labag, Tehsil And Distt. Rajnandgaon, Chhattisgarh.
4. Mukesh Kumar Dewangan S/o Mahesh Kumar Dewangan Aged About 34 Years (S/o Deceased) By Caste Kosta, Occupation Laborer, R/o Village Rivagahan, Post Pendrei P.S. Labag, Tehsil And Distt. Rajnandgaon, Chhattisgarh.
5. Smt. Sangeeta Dewangan W/o Radhelal Aged About 36 Years By Caste Kosta, Occupation Homemaker, R/o Village Markamtola, Post Singarpur, Thana Khairagrh Tehsil And Distt. Rajnandgaon, Chhattisgarh.
6. National Insurance Company Ltd. Through Branch Manager Office Koshabadi, Korba Tehsil And Distt. Korba, Chhattisgarh. (Insurer)

... Respondent(s)

For Review Petitioners : Mr. Ravikar Patel, Advocate
For Respondents No. 1 to 5 : Mr. Rajendra Patel, Advocate holding the
brief of Mr. Sumit Shrivastava, Advocate
For Respondent No. 6 : Mr. Qamrul Aziz, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey

Judgment On Board

22.04.2026

1. The review petitioners have filed this review petition for re-call of order dated 19.01.2026 passed in MAC No. 1976 of 2023 and further prayer has been sought for to withdraw the said appeal with liberty to file fresh.
2. The facts in brief are that the review petitioners, who are owner and driver of the offending vehicle filed MAC No. 1976 of 2023 assailing the award passed by the learned First Additional Motor Accident Claims Tribunal, Rajnandgaon, whereby, liability was fastened with driver and owner of the offending vehicle. In the prayer clause, they sought relief for enhancement of the award amount. As MAC No. 1976 of 2023 was filed by driver and owner, reliefs sought for could not have been granted in their favour, therefore, the said appeal was dismissed.
3. Learned counsel for the review petitioners submits that MAC No. 1976 of 2023 was decided without affording proper opportunity of hearing to the petitioners. It is also contended that the petitioners were denied adequate opportunity of hearing, amounting to violation of the principles of natural justice. It is also submitted that the prayer clause of the appeal was typographical error. It is further contended that the petitioners may be granted liberty to withdraw the MAC No. 1976 of 2023 and to file a fresh appeal. He would pray to re-call the order.
4. On the other hand, learned counsel appearing for respondents would

oppose.

5. I have heard learned counsel for the parties and perused the documents placed on record.
6. At the time of hearing of the said appeal, no prayer was made by the review petitioners to amend the prayer clause rather matter was argued on merits, therefore, this Court after going through the relief clause of said appeal, dismissed it.
7. The law with regard to review is no more *res-intgra*, in the matter of ***Parsion Devi and others v. Sumitri Devi and others, 1997 (8) SCC 715***, the Hon'ble Supreme Court in para-9 held as under:-

9. "Under Order 47 Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. 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 the record justifying the court to exercise its power review under Order 47 Rule 1 CPC. In exercise of the jurisdiction under Order 47 Rule 1 CPC it is not permissible for an erroneous decision to be "reheard and corrected". A review petition, it must be remembered has limited purpose and cannot be allowed to be "an appeal in disguise."

8. In the matter of ***Perry Kansagra v. Smriti Madan Kansagra, 2019 (20) SCC 753***, the Hon'ble Supreme Court in para 15.1 held that:-

15.1. In Inderchand Jain it was observed in paras 10, 11 and 33 as under: (SCC pp. 669 & 675)

"10. It is beyond any doubt or dispute that the review court does not sit in appeal over its own order. A rehearing of the matter is impermissible in law. It constitutes an exception to the general rule that once a judgment is signed or pronounced, it should not be altered. It is also trite that exercise of inherent jurisdiction is not invoked for reviewing any order.

11. Review is not appeal in disguise. In Lily Thomas v.

Union of India this Court held: (SCC p. 251, para 56)

56. It follows, therefore, that the power of review can be exercised for correction of a mistake but not to substitute a view. Such powers can be exercised within the limits of the statute dealing with the exercise of power. The review cannot be treated like an appeal in disguise."

33. The High Court had rightly noticed the review jurisdiction of the court, which is as under:

"The law on the subject exercise of power of review, as propounded by the Apex Court and various other High Courts may be summarised as hereunder:

(i) Review proceedings are not by way of appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 CPC.

(ii) Power of review may be exercised when some mistake or error apparent on the fact of record is found. But error on the face of record must be such an error which must strike one on mere looking at the record and would not require any long-drawn process of reasoning on the points where there may conceivably be two opinions.

(iii) Power of review may not be exercised on the ground that the decision was erroneous on merits.

(iv) Power of review can also be exercised for any sufficient reason which is wide enough to include a misconception of fact of law by a court or even an advocate.

(v) An application for review may be necessitated by way of invoking the doctrine actus curiae neminem gravabit.

In our opinion, the principles of law enumerated by it, in the facts of this case, have wrongly been applied.

9. In the matter of ***M/S Shanti Conductors (P) Ltd v. Assam State Electricity Board, 2020 (2) SCC 677***, the Hon'ble Supreme Court dismissed the petition and held that *"The scope of review is limited and under the guise of review, petitioner cannot be permitted to reagitate and reargue the*

questions, which have already been addressed and decided.”

- 10.** In the matter of *Beghar Foundation v. K.S. Puttaswamy, (2021) 3 SCC 1*, the Hon’ble Supreme Court held that “*even the change in law of or subsequent decision/judgment of a coordinate or larger Bench by itself cannot be regarded as a ground for review.*”
- 11.** Taking into consideration the fact that the review petitioners failed to point out any error apparent on face of record, therefore, no case is made out for review of the order passed in MAC No. 1976 of 2023. Consequently, the instant review petition is hereby **dismissed**.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Siddhant