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**(2020) 09 MP CK 0111**  
**In the Madhya Pradesh High Court**  
**Case No : Review Petition No. 217 Of 2019**

Bhurelal (Dead) Thr. Lrs. Dwarka Vishwakarma

APPELLANT

Vs

Dropdi Bai & Anr

RESPONDENT

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**Date of Decision :** 11-09-2020

**Acts Referred:**

Code Of Civil Procedure, 1908 — Order 47 Rule 1

**Citation :** (2020) 09 MP CK 0111

**Hon'ble Judges :** Nandita Dubey, J

**Bench :** Single Bench

**Advocate :** A.A. Awasthy, Jayalaxmi Iyer

**Final Decision :** Dismissed

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## Judgement

Heard on admission.

This petition seeking review, arises out of the order dated 27.11.2018 passed in S.A. No.968/2014.

It is the contention of learned counsel for the petitioner that this Court while passing the order, failed to consider that the appellant was entitled to half share of the property in the suit by way of succession.

Ms. Jayalaxmi Iyer, learned counsel appearing for respondent No.2 has countered the aforesaid contentions. It has been stated that this review is misuse of the process of Court. This Court while hearing the matter has considered all the aforesaid aspects and decided thereafter.

It is settled position of law that rehearing under the garb of review cannot be permitted. Arguments raised in the present review petition by the petitioner were earlier considered and negated in page 4 of the order, mere disagreement with the view of the order/judgment cannot be the ground for invoking the power of review. Once such grounds have been heard on merits and rejected, no review would lie which would convert rehearing of the original matter, unless it is shown

that there is an error apparent on the face of 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 of review under Order 47 rule 1 C.P.C. It has not been contended in the present case that there is any error apparent on the face of the record.

For the aforesaid reasons, the prayer of reconsideration of order dated 27.11.2018 passed in S.A. No. 968/2014 is rejected. In the facts and circumstances of the case, however, there shall be no order as to cost.