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(2026) 03 CHH CK 0425

In the Chhattisgarh High Court

Case No : REVP No. 65 Of 2026

Loknath — APPELLANT

Vs

Kedarnath — RESPONDENT

Date of Decision : 12-03-2026

Acts Referred:
Code of Civil Procedure, 1908 — Order 47 Rule 1

Citation : (2026) 03 CHH CK 0425

Hon'ble Judges : Rakesh Mohan Pandey, J

Bench : Single Bench

Advocate : Amit Kumar, Shubham Tiwari, Yogendra Chaturvedi

Final Decision : Dismissed

Judgement

core.xml

Rakesh Mohan Pandey, J

1. The review petitioner, who was respondent No. 1 in WP227 No. 731 of 2022, has filed this petition for review/modification of order dated 29.07.2025.

2. Mr. Amit Kumar, Advocate would submit that the review petitioner never consented for mutual partition and observation made in the order dated 29.07.2025 has no foundation. He would contend that contention made by a counsel on a question of law is not binding on the party. He would further submit that this Court remitted back the matter to the concerned Tahsildar to decide the issue of division of land between the parties within a period of 120 days and such order was passed without affording any opportunity of hearing to the review petitioner, thus, he would pray for re- call of order.

3. On the other hand, Mr. Shubham Tiwari, Advocate appearing for respondent No. 1 would oppose. He would submit that despite service of notice, the review petitioner, who was respondent No. 1 in the writ petition did not appear and the writ petition was disposed of vide order dated 29.07.2025, whereby, the matter

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was remitted back to the Tahsildar to decide the issue of division of land between the parties after affording sufficient opportunity of hearing to the parties involved. He would contend that the review petitioner would get opportunity of hearing before the concerned Tahsildar. It is also argued that there is no mistake apparent on the face of record; therefore, this review petition is not maintainable.

4. I have heard learned counsel for the parties and perused the documents placed on record.

5. Review petitioner, who was respondent No. 1 in the writ petition, did not turn up despite service of notice and writ petition was finally decided vide order dated 29.07.2025. This Court disposed of the writ petition making following observation:-

"5. Taking into consideration the submission made by Mr. Chaturvedi and further considering the fact that earlier, twice the orders were passed by Tehsildar and Patwari with regard to division of subject property, therefore, matter is remitted back to the concerned Tehsildar to decide the issue of division of land between the parties expeditiously, preferably within a period of 120 days from the date of receipt of copy of this order. It is expected that Tehsildar, Pendraroad shall provide sufficient opportunity of hearing to the parties involved before passing final order."

6. The review petitioner failed to point out any mistake or error in the order dated 29.07.2025 warranting review.

7. 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.

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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. Considering the above-discussed facts, no ground is made for review. Consequently, the instant review petition is hereby dismissed.

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