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**(2000) 11 KAR CK 0044**  
**In the Karnataka High Court**  
**Case No : Revision Petition No. 420 of 2000**

N. Veerabhadrappa

APPELLANT

Vs

Smt. Shivamma and another

RESPONDENT

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**Date of Decision :** 20-11-2000

**Acts Referred:**

Civil Procedure Code, 1908 (CPC) — Order 47 Rule 1

**Citation :** (2001) ILR (Kar) 679 : (2001) 4 KarLJ 630 : (2001) 4 KCCR 391 SN

**Hon'ble Judges :** M.P. Chinnappa, J

**Bench :** Single Bench

**Advocate :** Sri N. Mohan Das Hegde, for the Appellant; Sri K. Chandrashekar, for the Respondent

**Final Decision :** Dismissed

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## Judgement

1. This petition is filed under Order 47, Rule 1 of the CPC to review the order passed by this Court on 29-2-2000 in LRRP No. 5814 of 1988 dismissing the same by a detailed order.

2. The learned Counsel for the petitioner has vehemently argued that the landlord appeared before the Tribunal and submitted that Sy. No. 28/1 was given to Veerabhadrappa, as a tenant and that fact was not noticed by this Court while disposing of the petition. He submitted that the review petition may be allowed and the order in question may be set aside.

3. Per contra, the learned Counsel for the respondent submitted that the review petition itself is not maintainable as there is no error much less the error apparent on the face of the record. Even if there is any ordinary error that cannot be gone into by this Court.

4. In support of his argument, he placed reliance on a decision rendered by the Supreme Court in Lily Thomas v Union of India and Others , wherein it is held:

"Mistake apparent on face of record cannot mean error which has to be fished

out and searched. The words "any other sufficient reason" mean a reason sufficient on grounds at least analogous to those specified in the rule".

This Court also in *D. Thimmappa Sheika and Another Vs. State of Karnataka and Others*, , held that where without any elaborate arguments one could point to the error and say here is a substantial point of law which stares one in the face and there could reasonably be no two opinions entertained about it, a clear case of error apparent on the face of the record would be "made out". Where to point error elaborate arguments have to be made and where there is possibility of two views, then it cannot be an "error apparent".

5. Similarly, Rajasthan High Court in *Govind Prasad v Karobar Lahrimal Ramjeevan and Another* , held that review petition is not maintainable as long as no error apparent on face of record is made out.

6. In this case, as indicated above, the only contention of the petitioner is that the landlord admitted before the Tribunal that the land was given to him. That aspect also was considered by Land Tribunal as well as Appellate Authority and taking into consideration the relationship of the petitioner and respondent it held that the petitioner was not the tenant but he was cultivating the same for and on behalf of the respondent relying on the evidence available on record.

7. In view of the concurrent findings of both the authorities, since the scope of this Court is limited the revision petition came to be dismissed and more so being satisfied with the reasons assigned by both the authorities.

8. Under the circumstances, it cannot be said that there is any error apparent on the face of the record calling for this Court to review its own order and it has no merit.

Accordingly, the review petition is dismissed.