



2026:CGHC:14149

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

REVP No. 81 of 2026

- 1** - Pal Sai S/o Gyan Sai Aged About 69 Years R/o Village Kerju, P.S. And Tahsil Sitapur, Distt. Surguja Chhattisgarh
- 2.1.1** - Jaspal Singh S/o Late Anil Singh Aged About 35 Years R/o Baneya, P.S. And Tahsil Sitapur, Distt. Surguja Chhattisgarh
- 2.1.2** - Ganesh S/o Late Anil Singh Aged About 30 Years R/o Baneya, P.S. And Tahsil Sitapur, Distt. Surguja Chhattisgarh
- 2.2** - Chhabil Sai (Dead Through Lrs) As Per Honble Court Order Dated 30-01-2025
- 2.2.1** - Murchhand Singh S/o Late Chhabil Sai Aged About 46 Years R/o Occupation - Agriculturist, R/o Village Kerju, Tahsil Sitapur, District Surguja Chhattisgarh
- 2.2.2** - Deelip Kumar S/o Late Chhabil Sai Aged About 29 Years R/o Occupation - Agriculturist, R/o Village Kerju, Tahsil Sitapur, District Surguja Chhattisgarh
- 2.2.3** - Dulari Bai W/o Late Chhabil Sai Aged About 65 Years R/o Village Kerju, Tahsil Sitapur, District Surguja Chhattisgarh
- 2.2.4** - Chintamani W/o Prem Singh, D/o Late Chhabil Sai Aged About 34 Years R/o Village Jamnimuda, Raja Ama, Tahsil Pathalgon, District Jashpur Chhattisgarh
- 2.2.5** - Geeta W/o Dev Kumar, D/o Late Chhabil Sai Aged About 30 Years R/o Village Sokhapara, Kodekela, Gharjiabathan, Tahsil Pathalgon, District Jashpur Chhattisgarh
- 2.3** - Bad Sai S/o Late Prasann Ram Aged About 55 Years R/o Faradbahar, P.S. And Tahsil Jashpur, Distt. Jashpur Chhattisgarh
- 2.4** - Chamar Sai S/o Late Ram Sai Aged About 57 Years R/o Kerju, P.S. And Tahsil Sitapur, Distt. Surguja Chhattisgarh
- 2.5** - Neelamber S/o Late Ram Sai Aged About 55 Years R/o Kerju, P.S. And Tahsil Sitapur, Distt. Surguja Chhattisgarh

... Petitioner(s)

versus

- 1** - 1.1 Girvar S/o Hawal Sai Aged About 61 Years R/o Kerju, P.S. And Tahsil Sitapur, Distt. Surguja Chhattisgarh
- 1.2** - Hirdan S/o Hawal Sai Aged About 52 Years R/o Kerju, P.S. And Tahsil Sitapur, Distt. Surguja Chhattisgarh, District Surguja Ambikapur Chhattisgarh
- 2** - State of Chhattisgarh Through Collector, Ambikapur, Distt. Surguja Chhattisgarh, District Surguja (Ambikapur), Chhattisgarh

... Respondent(s)

(Cause-title taken from Case Information System)

For Petitioners	:	Shri S.A. Ansari, Advocate.
For State	:	Ms. Richa Sahu, Panel Lawyer.

Hon'ble Shri Justice Ravindra Kumar Agrawal, J

Order on Board

24.03.2026

1. The present review petition has been filed seeking review of the judgment dated 23.02.2026 passed by this court in Second Appeal No.204 of 2014 whereby the appeal filed by the appellants have been dismissed.
2. Learned counsel appearing for review petitioners would submit that only on the basis of oral evidence the issue of limitation has been decided whereas there should be any document on record produced by the plaintiffs to prove his case with respect to limitation to file the suit. The defendants are in possession of suit land since 1951-52 and the suit has been filed in the year, 1989 which is apparently barred by limitation. The dispute arose between the parties in the year, 1962 which has not been properly considered by the the court while deciding the Second Appeal. Therefore, the impugned judgment requires review and the Second Appeal be reheard on merits.
3. I have heard the counsel for review petitioners and gone through the judgment as well as record of the case.
4. The issue raised herein by the review petitioners had already raised by him in Second Appeal and the same was adequately dealt with by this court in its judgment paragraph 13 holding that long possession since 1954-55 and reliance on mutation entries does not advance the appellant's case; the evidence including testimony relied upon by them indicate initial possession

was permissive in nature and relying upon the judgment in case of Suraj Bhan Vs. Financial Commissioner, 2007(6)SCC186 the court held that mutation entries are fiscal in character and do not confer or extinguish title. In any case, from the pleading it is evidently clear that this court while deciding the appeal has taken into consideration all the pleadings that were made in plaint and Second Appeal and has decided the matter from the documents available before it.

5. Re-appreciation of the facts of the case and passing of fresh order by exercising the review petition is not permissible under law. It is well settled principles of law that the review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of the Code of Civil Procedure. 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. The jurisdiction under review does not permit an erroneous decision to be reheard and corrected. The mistake apparent on record means that the mistake which is self evident, needs no search and satres at its face. At this juncture, it shall be advantageous to discuss the law with regard to the power of review. The Court may review its judgment or order, but no application for review shall be entertained except on the grounds mentioned under Order 47 Rule 1 of the CPC.
6. Section 114 of the CPC vests power of review in Courts and Order 47 Rule 1 of the CPC provides for the scope and procedure for filing a review. The same is reproduced hereunder:-

“Order 47 Rule 1 CPC:

"1. Application for review of judgment- Any person considering himself aggrieved-

(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred.

(b) by a decree or order from which no appeal is allowed, or

(c) by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order. (emphasis supplied)

(2) A party who is not appealing from a decree or order may apply for a review of judgment notwithstanding the pendency of an appeal by some other party except where the ground of such appeal is common to the applicant and the appellant, or when, being respondent, he can present to the Appellate Court the case on which he applied for the review.

Explanation. The fact that the decision on a question of law on which the judgment of the Court is based has been reversed or modified by the subsequent decision of a superior Court in any other case, shall not be a ground for the review of such judgment."

7. In the matter of ***M/s Northern India (India) Ltd. v. Lt. Governor of Delhi, 1980 (2) SCC 167***, the Hon'ble Supreme Court held that "A plea for review, unless the first judicial view is manifestly distorted, is like asking for the moon. A forensic defeat cannot be avenged by an invitation to have a second look, hopeful of discovery of flaws and reversal of result. A review in counsel's mentation cannot repair the verdict once given. So the law laid down must rest in peace."
8. In the matter of ***Sajjan Singh and others vs. State of Rajasthan and others [AIR 1965 SC 845]***, the Hon'ble Supreme Court held that "the parties are not entitled to seek review of the judgment delivered by this Court merely for purpose for review and fresh decision of the case. The normal principle that judgments pronounced by this Court would be final, cannot be ignored and unless considerations of a substantial and compelling character make it necessary to do so."

9. In the matter of ***Parsion Devi and others v. Sumitri Devi and others reported in 1997 (8) SCC 715***, the Hon'ble Supreme Court in para-9 held as under:-

“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.”

10. In the matter of ***M/s Shanti Conductors (P) Ltd v. Assam State Electricity Board reported in 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.

11. 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.”

12. In the matter of ***Satyanarayan Laxminarayan v. Mallikarjun Bhavanappa reported in AIR 1960 SC 137***, the Hon'ble Supreme Court in para-8 held as under:-

“8. The main question that arises for our consideration in this appeal by special leave granted by this Court is whether there is any error apparent on the face of the record so as to enable the superior court to call for the records and quash the order by a writ of certiorari or whether the error, if any, was "a mere error not so apparent on the face of the record", which can only be corrected by an appeal if an appeal lies at all.”

- 13.** Thus, applying the above well settled principles of law to the facts of the present case, there is no ground available for review of the order dated 23.02.2026 passed in Second Appeal No.204 of 2014.
- 14.** As a result and in view of the foregoing, this review application is dismissed. No order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

inder