

IN THE HIGH COURT OF KARNATAKA

CIRCUIT BENCH AT DHARWAD

DATED THIS THE 20TH DAY OF JULY 2012

BEFORE

THE HON'BLE MR.JUSTICE S. ABDUL NAZEER

REVIEW PETITION NO.1505/2012

Between:

Y.K. Dheerendra Swamy,
S/o Y.K.Seshagiri Rao,
Major, Hindu, Agriculturist,
R/o Ward No.XVIII,
Near Vedakaraya Temple,
Hospet, Bellary.

.... Petitioner.

(By Sri Hegde, Neeralgi & Patil, Advs.)

And:

Smt. G. Leela Bai,
W/o G.Lakshman Rao,
Behind Panduranga Temple,
Near Vijaya Talkies,
Hospet, Bellary Dist.

.... Respondent.

This Review Petition is filed under Order 47 read with Section 114 of CPC to review the judgment and decree in RSA No.5361/2009 dated 24.11.2011, etc.

This Review Petition coming on for Orders this day, the Court passed the following:

ORDER

The petitioner has filed this review petition for review of the judgment in RSA No.5361/2009 dated 24.11.2011. The contention of the petitioner is that the grant order, which was issued in favour of the predecessor of the petitioner, has not been considered by this Court while deciding the appeal.

2. It is not the case of the petitioner such an argument was advanced at the time of hearing of the appeal. It is well settled that first and foremost requirement of entertaining a review petition is that the order, review of which is sought suffers from error apparent on the face of the record. In the absence of any such error, finality attached to the order cannot be disturbed. An error, which is not self evident and has to be detected by the process of reasoning can hardly be said to be an error apparent on the face of the record, justifying the Court to exercise the power of review. Re-agitating the points already decided is impermissible in review

proceedings. In ***BAGIRATHI AMMAL VS. PALANI ROMAN CATHOLIC MISSION [(2009) 10 SCC 464]***, the Apex Court has held that an error contemplated under Order 47 Rule 1 of CPC for permissibility of review must be such which is apparent on the face of the record and not an error which has to be fished out and searched. In other words, it must be an error of inadvertence. It should be something more than a mere error and it must be one, which must be manifest on the face of the record.

3. In the present case, no such error has been pointed out requiring review. I do not find any grounds to review the judgment in RSA No.5361/2009 dated 24.11.2011. Review petition is rejected accordingly. No costs.

***Sd/-
JUDGE.***

BMM/-