

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

MC [Rev. Pet. (J2)] No. 1 of 2017

Alfred Kanngam

Applicant

Vs.

The Collector Land Acquisition, Ukhrul; & Ors.

Respondents

***Clubbed with
MC [(Rev. Pet (J2))] No. 1 of 2023***

BEFORE
HON'BLE THE CHIEF JUSTICE MR. KEMPAIAH SOMASHEKAR
(ORDER)

10.07.2025

[1] Heard learned counsel for the applicant, Mr. Ajoy Pebam and learned senior counsel for the State respondents, Mr. M. Rarry.

[2] Whereas learned senior counsel for the State respondents, Mr. M. Rarry, submits that even the issues in between the review petitioner/applicant and respondents have went up to the Hon'ble Supreme Court of India by filing Special Leave to Appeal (C) No(s). 1858-1859/2016 and the Honble Supreme Court of India had given opportunity to move this Court by filing necessary application for seeking clarification/modification of the impugned order. Therefore, learned counsel for the applicant be directed to clarify the status under either Section 151 CPC or Section 152 CPC

[3] However, the learned senior counsel for the State, Mr. M. Rarry submits that review of a review cannot arise, by referring to a

judgment rendered by the Hon'ble Supreme Court of India in Civil Appeals No. 5503-04 of 2022 arising out of petitions for Special Leave To Appeal (Civil) No. 9602-03 of 2022, whereas in para No. 35 of the aforesaid SLP Proceeding, the Hon'ble Supreme Court of India made an observation that recourse to successive review petitions against the same order is impermissible more so, when the respondents have miserably failed to draw the attention of this Court to any circumstances that would entitle them to invoke review jurisdiction within the ambit of the Rules. Under the rules, the respondents were not required to produce "genuine" documents but new documents/evidence that was not within their knowledge and could not have been so even after exercise of due diligence, which could have turned the tables in their favour. Nor has any error apparent on the face of the record been brought out by them.

[4] Whereas the connected proceeding in MC [Rev. Pet. (J2)] No. 1 of 2023 has been filed whereby seeking for amendment in MC [Rev. Pet. (J2) No. 1 of 2017, keeping in view the review petition as initiated against the respondents.

[5] However, in a given peculiar facts and circumstances of the cases are concerned, it is deemed to refer to the judgment rendered by the Hon'ble Supreme Court of India in ***Sanjay Kumar Agarwal and Ors. Vs. State Tax Officer (1) and Ors.*** reported in ***(2024) 2 SCC 362***, wherein it is observed in para and 16 as thus:

"15. It is very pertinent to note that recently the Constitution Bench in Beghar Foundation v. Justice K.S. Puttaswamy (Retired) and Ors. MANU/SC/0030/2021 :(2021) 3 SCC 1, held that even the change in law or subsequent decision/judgment of co-ordinate Bench or larger Bench by itself cannot be regarded as a ground for review.

16. The gist of the aforesaid decision is that

- (i) A judgment is open to review inter alia if there is a mistake or an error apparent on the face of the record.
- (ii) A judgment pronounced by the Court is final, and departure from that principle is justified only when circumstances of a substantial and compelling character make it necessary to do so.
- (iii) 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 record justifying the court to exercise its power of review.
- (iv) In exercise of the jurisdiction Under Order 47 Rule 1 Code of Civil Procedure, it is not permissible for an erroneous decision to be "reheard and corrected."
- (v) A Review Petition has a limited purpose and cannot be allowed to be "an appeal in disguise."
- (vi) Under the guise of review, the Petitioner cannot be permitted to reagitate and reargue the questions which have already been addressed and decided.
- (vii) An error on the face of record must be such an error which, mere looking at the record should strike and it should not require any long-drawn process of

reasoning on the points where there may conceivably be two opinions.

(viii) Even the change in law or subsequent decision/judgment of a co-ordinate or larger Bench by itself cannot be regarded as a ground for review.

Whereas, in para No. 20 of the aforesaid judgment, the Hon'ble Supreme Court of India held as thus:

20 . Taking recourse to the said observations made by the co-ordinate bench, the learned Counsels for the Review Petitioners have urged to review the impugned judgment. The said submission of the learned Counsels for the review Petitioners deserves to be outrightly rejected for the simple reason that any passing reference of the impugned judgment made by the Bench of the equal strength could not be a ground for review. It is well settled proposition of law that a co-ordinate Bench cannot comment upon the discretion exercised or judgment rendered by another co-ordinate Bench of the same strength. If a Bench does not accept as correct the decision on a question of law of another Bench of equal strength, the only proper course to adopt would be to refer the matter to the larger Bench, for authoritative decision, otherwise the law would be thrown into the state of uncertainty by reason of conflicting decisions.

[6] Wherein in para 11, it is indicated that In *Parsion Devi and Ors. v. Sumitri Devi and Ors.* MANU/SC/1360/1997 : (1997) 8 SCC 715, this Court made very pivotal observations:

9. Under Order 47 Rule 1 Code of Civil Procedure 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 of review Under Order 47 Rule 1 Code of Civil Procedure. In exercise of the jurisdiction Under Order 47 Rule 1 Code of Civil Procedure it is not permissible for an erroneous decision to be "reheard and corrected". A review petition, it must be remembered has a limited purpose and cannot be allowed to be "an appeal in disguise."

[7] Whereas in Para No. 8, it is indicated that before adverting to the contentions raised by the learned Counsels for the parties, let us regurgitate the well settled law on the scope of review as contemplated in XLVII of the Supreme Court Rules read with Order XLVII of Code of Civil Procedure.

[8] Whereas in Para 9, it is indicated that in the words of Krishna Iyer J., (as His Lordship then was) "a plea of 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 the Counsel's mentation cannot repair the verdict once given. So, the law laid down must rest in peace.

[9] Therefore, keeping in view the scope of Section 151 of the CPC that there is no limit to exercise the inherent power, either effecting or affecting any orders under the scope, that is the first limb of the said provision of law, the second limb of the said provision of law relating to preventing the abuse of process of law, whereas the third limb of the said

provision of law is securing the ends of justice, the aforesaid limb of the said provision of law are applicable to both the parties in the proceeding.

[10] Therefore, keeping in view the ratio of reliance which is made **(Supra)** are concerned, it is said that this review application does not survive for consideration even the proceeding MC [Rev. Pet. (J2)] No. 1 of 2023 whereby seeking for amendment under Order 6 Rule 17 of CPC, but under the scope of Order 6 Rule 17 of CPC, there shall be some guiding principle of the said position of law under what circumstances and under what stage this application has to be filed.

[11] However, the issues in between the petitioner and the respondents have went up the Hon'ble Supreme Court of India in a proceeding in the aforesaid Special leave to Appeal and wherein, opportunity was given to seeking clarification, but the counsel for the applicant is not confirmed whether to seeking for clarification in respect of power as under Section 151 CPC or Under Section 152 CPC and therefore it is said that keeping in view the ratio of reliance which is stated supra these proceeding in MC[Rev. Pet. (J2)] No. 1 of 2017 seeking for modification of judgment and order dated 16.12.2015 and 23.07.2015, learned counsel for the applicant is not confirmed to clarify the position of law for seeking modification, but the petition is of the year 2015 and another application has been filed under Order 6 Rule 17 of CPC seeking amendment and this proceeding has been initiated in the year 2023.

[12] Therefore, keeping in view the provision of Section 151 of CPC and also keeping in view the ratio of reliance stated (*supra*), these review applications do not survive for consideration.

Accordingly, both the applications are hereby dismissed.

Sandeep

CHIEF JUSTICE