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Sl. No.21

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

Review. Pet. No.18 of 2019

State of Manipur and 3 Ors.

Petitioner/s

Vs.

Murphy Thumrrah Contractor

Respondent/s

BEFORE

HON'BLE THE CHIEF JUSTICE MR. KEMPAIAH SOMASHEKAR

(ORDER)

20.08.2025.

[1]. Ms. Thayomi, learned Jr. counsel to Mr. Lenin Hijam, learned AG for the petitioners and Mr. M. Devananda, learned senior counsel for the respondent are present before the Court physically.

[2]. The present review petition has been filed by the petitioners/State of Manipur representing Commissioner, MI(Minor Irrigation), Government of Manipur and this review petition relates to the order rendered by the learned Single Judge on the writ side in WP(C) No.633 of 2016. Mr. Lenin Hijam, learned AG who is on record but represented by his Junior namely Ms. Thanyomi, learned counsel whereas Mr. M. Devananda, learned senior counsel for the respondents in this matter vehemently submitted and also scope of the review petition initiated by the petitioners/State of Manipur and whereby the said learned senior counsel in

this matter facilitating the order rendered by the ***Hon'ble Supreme Court of India in Review Petition(Civil) No.1620 of 2023 in Civil Appeal No.1661 of 2020 of Sanjoy Kumar Agarwal Vs. State Tax Officer(1) & Anr.*** whereby the said learned senior counsel rendered particularly at Para No.15 and inclusive of Para No.16 whereas at Para No.15, it is indicated and also made observation in ***Beghar Foundation Vs. Justice K.S. Puttaswamy(Retired) and Others*** 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 whereas in Para No.16 which is reproduced as under:-

(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 principles 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 CPC, 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 re-agitate and re-argue 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 the exercise of the jurisdiction under Order 47 Rule 1 CPC, it is not permissible for erroneous decision in the reheard and corrected

[3]. Whereas in this review petition is concerned, it is deemed appropriate to refer the words of Krishna Lyer 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 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 and also referred in Para No.11 i.e., **Parsion Devi and Others. Vs. Sumitri Devi and Others** reported (1997) 8SSC 715 in sub-para No.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 or exercise its power of review under Order 47 Rule1 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 a limited purpose and cannot be allowed to be "an appeal in disguise."

[5]. Therefore, keeping in view the submission made by both the parties and above stated cases are concerned in the review petition, it does not survive for the consideration.

[6]. Consequently, the present review petition is dismissed.

CHIEF JUSTICE

Ab. Surjit