

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

MC(Review.Pet.) No. 20 of 2024

The Sangeet Natak Academi and another

Applicant

Vs.

Potsangbam Victoria Devi and 2 Others

Respondents

BEFORE

HON'BLE THE CHIEF JUSTICE MR. KEMPAIAH SOMASHEKAR

ORDER

05.06.2025

This MC(Review.Pet.) No. 20 of 2024 has been filed under Section 5 of the Limitation Act, 1963 read with Section 1 of the Code of Civil Procedure seeking for condoning the delay of 90 (ninety) days in filing the accompanying Review Petition. In the meanwhile, Mr. Sarvan Kumar, the learned counsel for the applicant clarifies that it is only 89 (eighty-nine) days in filing the review petition for reviewing the judgment and order rendered by the learned Single Judge in WP(C) No. 631 of 2021 dated 06.09.2022.

Heard the learned counsel Mr. Sarvan Kumar for the applicant/petitioner inclusive of Mr. Kh. Tarunkumar, learned senior counsel for the respondent No. 1.

Whereas in this matter, the learned counsel for the applicant is submitting that there is a delay of 89 days in filing the review petition for reviewing the judgment and order dated 06.09.2022 rendered by the learned Single Judge on the writ side. Whereas in further, learned counsel for the applicant in this matter submitting that subsequent to an order rendered by the learned Single Judge on the writ side and initiation of the appeal

proceeding in WA No. 9 of 2023, there is an order dated 10.06.2024. However, the facts as narrated in the present miscellaneous case has already been stated in the review petition and as such, in order to avoid repetition of the said facts and this contention is taken on record for seeking intervention by the learned counsel for the applicant. However, in para 3, it is indicating that there is delay of 761 days in filing the aforesaid review petition. Since the order dated 06.09.2022 passed by the learned Single Judge on the writ side in WP(C) No. 631 of 2021. However, in terms of the aforesaid judgment and order dated 10.06.2024 rendered by the coordinate Bench in WA No. 9 of 2023 there is a delay of 120 days in filing the present review petition when the delay is counted from 11.06.2024. These are all contentions taken by the learned counsel for the applicant in this matter for seeking intervention.

Whereas the learned counsel for the respondents in this matter is submitting that even though the condone delay application has been filed under Section 5 of the Limitation Act, 1963 there is no justifiable grounds and reasons as stated in the condone delay applicable which is to be acceptable.

On these premises, the learned counsel for the respondents in the aforesaid miscellaneous application, the same deserves to be dismissed.

Whereas keeping in view the submission made by the learned counsel for the petitioner/applicant and more so, the submission made by learned senior counsel for the respondent in this proceeding are concerned, it is deemed appropriate to refer the judgment rendered by the Hon'ble Supreme Court in the case of ***Sanjay Kumar Agarwal and Ors. Vs. State Tax Officer (1) and Ors. dated 31st October, 2023*** in Review Petition (Civil) No. 1620 of 2023 in Civil Appeal No. 1661 of 2020, Review Petition (CIVIL) No. 1621 of 2023 in Civil Appeal No. 1661 of 2020 and other matters.

Whereas in para 9 of the said judgment rendered by the Hon'ble Supreme Court of India referred 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."***

Whereas in para 11 in the aforesaid judgment it is stated 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."

Whereas in para 15 of the aforesaid judgment it is indicated that ***"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."

Whereas in para 16 it is observed that "The gist of the afore-stated decisions 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.”

Therefore, keeping in view the aforesaid reliances and more so, keeping in view the submission made by learned counsel for the respondents in this matters and also keeping in view the provision of Section 5 of the Limitation Act seeking for condoning the delay, it is indicating therein and therefore, it is held that there are no justifiable reasons given in the application filed by the applicant/petitioner and therefore, the proceeding in MC(Review.Pet.) No. 20 of 2024 whereby seeking for condonation delay is hereby rejected.

Consequently, this proceeding is hereby dismissed.

CHIEF JUSTICE

Sushil