

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

(Through Virtual Mode)

CM No. 2128/2024 in
RP No. 19/2024
CM No. 2129/2024

Fareed Ahmad Mir

.....Petitioner(s)

Through: None

Vs

UT of J&K & Ors.

..... Respondent(s)

Through: Mr. Shah Ashiq Hussain, Advocate for R-5&6
None for other respondents.

Coram: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER(ORAL)

17.09.2025

CM No. 2128/2024

- 01.** Through the medium of instant application, the petitioner seeks condonation of delay in filing the Review Petition.
- 02.** For the reasons stated in the application, the same is allowed and the delay of 16 days in filing Review Petition against the order/judgment dated 16.02.2024 passed by this Court in WP(C) No. 269/2024 is condoned.
- 03.** Application is disposed of.

RP No. 19/2024

- 04.** The instant Review Petition has been preferred against the order/judgment dated 16.02.2024 passed in a Writ Petition bearing WP(C) No. 269/2024 preferred by the respondents 5 and 6 herein, by virtue of which, the said Writ Petition was disposed of by directing the respondents 1 to 4 to look

into the grievance of the petitioners therein by providing them adequate security and to ensure that nobody interferes in their married life, if they approach them.

05. While parting with the aforesaid order, it was made clear that no opinion has been expressed with regard to the validity of their marriage in question as the said writ petition was confined only to grant of protection in view of the decision rendered by the Apex Court in case titled “*Lata Singh vs State of UP & Anr*”, reported in *2006(5) SCC 475*.
06. The instant Review Petition has been preferred on behalf of Fareed Ahmad Mir, who was a party respondent No.5 before the learned Writ Court which has passed the order dated 16.02.2024, which is the subject matter of the instant Review Petition. However, there is no representation on behalf of the petitioner today. Since this Court has not expressed any opinion with regard to the validity of the marriage, as such, the ground urged in the instant Review Petition cannot be gone into.
07. The scope of a review petition is circumscribed by law. It is well settled that a review petition cannot be used as a substitute for an appeal nor can it be an opportunity to agitate grounds or issues which were not urged or considered earlier. The scope is limited to correction of errors apparent on the face of the record, and it cannot be used to re-agitate settled matters or introduce a fresh cause of action.
08. This Court finds that the issue raised in the instant Review Petition goes beyond the permissible scope of review. The petitioner is effectively attempting to plead an altogether new cause of action, which is not only

outside the scope of the review but is also an issue that has already been settled by this Court.

09. Reliance has been placed upon case titled “**M/s. Jain Studios Ltd. v. Shin Satellite Public Co.**” reported as **AIR SCW 2006, 3592**. For facility of reference, relevant paragraph 11 thereof is reproduced as under:

“It is settled law that the power of review cannot be confused with appellate power which enables a superior Court to correct all errors committed by a subordinate Court. It is not rehearing of an original matter. A repetition of old and overruled argument is not enough to reopen concluded adjudications. The power of review can be exercised with extreme care, caution and circumspection and only in exceptional cases.”

10. Since the Court’s prior order was solely directed at providing protection without expressing any view on the validity of the marriage, the petitioner’s attempt to challenge the same is beyond the jurisdiction of review, therefore, the same is impermissible. The power of review is distinct from appellate jurisdiction and must be exercised with caution, reserved only for exceptional circumstances, thereby precluding the present petition from being entertained.
11. In view of what has been discussed hereinabove, the Review Petition is **dismissed** as it exceeds the limited scope of review, which is confined to rectifying errors apparent on the record and does not permit re-examination of settled issues or introduction of new cause of action.
12. Needless to say that since the direction in the petition, review of which has been sought by way of instant Review Petition, was specific to the extent of

providing protection to the petitioners who claim to be major and have married out of their free will and this Court has not expressed any opinion with regard to the validity of the marriage, so dismissal of the instant Review Petition or passing of the order by this Court dated 16.02.2024 in the main petition shall not come in the way of the petitioner herein to agitate his cause with regard to validity of the marriage solemnized between the petitioners in WP(C) No. 269/2024 before the competent Court, if so advised.

JAMMU
17.09.2025
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(WASIM SADIQ NARGAL)
JUDGE

Whether the order is speaking: Yes/No
Whether the order is reportable: Yes/No

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