

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

RP No.63/2025

Reserved on: 27.04.2026

Pronounced on: 30.04.2026

Uploaded on: 05.05.2026

Harbans Kour and another

.....Petitioner(s)

Through: Mr. Sahil Gupta, Advocate

Vs

Union Territory of J&K and others

.....Respondent(s)

Through: Mr. S.M.Choudhary, Sr. Advocate with
Mr. Mursaleen, Advocate

Coram: HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

JUDGMENT

1. Through the medium of this petition filed under Order XLVII Rule 1 of the Code of Civil Procedure, the petitioners seek review of the judgment dated 11.12.2025 passed by this Court in OWP No.367/2019, whereby the writ petition was allowed. The main ground urged to seek review of the judgment dated 11.12.2025 is that it does not advert to mutation No.39, though it was relied upon by the revenue authorities.
2. On being put on notice, respondent Nos.3 and 4 have filed their objections. It is submitted there is no error apparent on the face of record warranting exercise of review jurisdiction. It is further submitted that the controversy involved in the writ petition revolved around Cabinet Decision No.578/C of 1954 and Rule 15(B)(2) to the said order and the rights of inheritance as successor of Mangat Singh, which question has been dealt with in the judgment impugned.
3. Learned counsel for the review petitioners would submit that Mutation No.39 attested on the basis of Mutation No.38 of village Nanga District

Samba, being a subsisting revenue entry was required to be examined and its omission constitutes an error apparent on the face of the record, warranting review of the impugned judgment.

4. On the other hand, learned counsel for the respondent would submit that there is no error apparent on the face of record, which would warrant exercise of review jurisdiction.
5. Heard learned counsel for the parties and perused the material available on record.
6. The scope of review is much narrower than that of an appeal. In an appeal, a higher court can reassess facts, law, and evidence in detail. On the contrary, during a review, the same court does not sit in judgment over its earlier decision as if it were hearing the case afresh. It only examines whether there is a manifest error or oversight that undermines the correctness of the judgment. A mere disagreement with the decision or an attempt to re-argue the case is not a valid ground for review. The Courts have consistently emphasized that review jurisdiction should not be used to substitute a different view merely because another interpretation is possible. Its purpose is corrective, not substitutive.
7. The question with regard to scope of review has been dealt by the Supreme Court in catena of judgments holding that review of a judgment may be if there is a mistake or an error apparent on the face of record. In **Parsion Devi v. Sumitri Devi, (1997) 8 SCC 715**, it has been observed as under:-

“Under Order 47 Rule 1 Civil Procedure Code 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 an error apparent on the face of the record justifying the court to exercise its power of review under Order 47 Rule 1 Civil Procedure Code. In exercise of the jurisdiction under Order 47 Rule 1 Civil Procedure Code 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.”

8. In the case of **Arun Dev Upadhaya v. Integrated Sales Service Ltd. and another, 2023(3) Civil Court Cases 600 (S.C.)**, the Supreme Court has held that 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. Further in the case of **Sanjay Kumar Agarwal v. State Tax Officer (1) and another, AIR 2023 SC 5636**, the Supreme Court has stated the gist of various decisions on the scope of review in the following manner:

- (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 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 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.

9. It is well settled that a judgment can be reviewed only if there is a mistake or an error apparent on the face of record and not otherwise.
10. In the judgment under review, the primary question before this Court was with regard to the entitlement of respondent No.4, in his capacity as the son of Late Dayal Singh, who was the part of family of Mangat Singh, at the time of allotment of land, to inherit the property alongside Pritam Singh, who has also been shown to be the family member of Mangat Singh. Since in Form 'A' both Pritam Singh and Dayal Singh were shown to be the family members of Mangat Singh, at the time of first allotment, therefore, respondent No.4 was also held entitled to inherit the estate left behind by late Mangat Singh, being the son of Late Dayal Singh, who was real brother of Pritam Singh. Attestation of Mutation No.39 of village Nanga District Samba had never been called in question by any party. Moreover owing to the controversy, considered and decided by this Court in the judgment under review, mutation No.39 was considered to be of no significance.
11. The petitioner has not been able to point out any error apparent on the face of record, warranting review of the judgment under review.
12. In view of the above, no good ground to review is made out. Accordingly, the review petition is dismissed being devoid of any merit.

(Moksha Khajuria Kazmi)
Judge

Jammu
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Vinod Kumar
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I attest to the accuracy and
integrity of this document

Whether the order is reportable: No