

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

REVIEW PETITION NO.12 OF 2026

BETWEEN:

1. M/S. LUCKY EXPORTS
REPRESENTED BY ITS PARTNER
8, ARADHANA COLONY
R.K. PURAM, SECTOR 13
NEW DELHI-110 066.
2. DIWAKARA MISHRA
PARTNER
M/S. LUCKY EXPORTS
8, ARADHANA COLONY
R.K. PURAM, SECTOR 13
NEW DELHI-110 066.
3. AASHISH OBEROI
PARTNER
M/S. LUCKY EXPORTS
8, ARADHANA COLONY
R.K. PURAM, SECTOR 13
NEW DELHI-110 066.

...PETITIONERS

(BY SRI V. LAKSHMIKUMARAN, ADVOCATE, ALONG WITH
SRI RAVI RAGHAVAN, MS. PURVI ASATI, AND
MS. SHRADHA PANDEY)

AND:

1. THE PRINCIPAL COMMISSIONER OF CUSTOMS
AIRPORT AND AIR CARGO
COMMISSIONERATE
DEVANAHALLI
BENGALURU-560 300.

Digitally
signed by
RAKSHA
Location:
High Court
of Karnataka

2. H.R. GOPINATH
PARTNER
M/S. ARDENT MECHATRONICS
NO.37/41, 1ST MAIN ROAD
NAGENDRA BLOCK
BANASHANKARI III STAGE
BENGALURU-560 050.
3. ASHOK MURTHY
PARTNER
ERKADI INTERNATIONAL
451, 9TH CROSS
J.P. NAGAR, 2ND PHASE
BENGALURU-560 078.

...RESPONDENTS

(BY SRI AKASH B. SHETTY, ADVOCATE, FOR R-1)

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THIS REVIEW PETITION IS FILED UNDER SECTION 114 READ WITH ORDER XLVII, RULE 1 OF THE CODE OF CIVIL PROCEDURE, 1908, PRAYING TO REVIEW THE ORDER DATED 12-12-2025 PASSED IN CIVIL PETITION NO.1142 OF 2003 BY THIS HON'BLE COURT (ANNEXURE A).

THIS REVIEW PETITION, HAVING BEEN HEARD AND RESERVED ON 31-7-2026, COMING ON FOR PRONOUNCEMENT OF ORDER, THIS DAY, **VENKATESH NAIK T., J.**, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE VENKATESH NAIK T

ORAL ORDER

(PER: HON'BLE MR. JUSTICE VENKATESH NAIK T.)

The present review petition is filed seeking review of the order dated 12-12-2025 passed by this Court in Civil Petition No.1142 of 2003.

2. Heard Sri V. Lakshmikumaran, learned counsel for the review petitioners, and Sri Akash B. Shetty, learned counsel for respondent No.1.

3. The main contention of the learned counsel for the petitioners is that the impugned order suffers from mistakes and the errors appear to be apparent on the face of the record. Further, the petitioners were not granted opportunity of hearing before restoration and disposal of the Civil Petition filed by respondent No.1. The petitioners were not served with a copy of the interlocutory application for restoration of the Civil Petition dismissed earlier for non-prosecution. It is contended that certain averments made by the Departmental representative, during hearing before the Tribunal were merely recorded in the final order, have been inadvertently considered by this Court, as the findings of the facts by the Tribunal. On all these grounds, the learned counsel prays to allow the review petition.

4. Learned counsel for respondent No.1 has contended that the Appeal was of the year 2003 and the matter was disposed of on 12-12-2025, and this Court has considered all aspects of the matter and passed the order. Thus, there is no

error apparent on the face of the record and accordingly, the learned counsel prays to dismiss the review petition.

5. The petitioners have sought the relief to review the order dated 12-12-2025 passed in Civil Petition No.1142 of 2003. Under Section 114 and Order XLVII, Rule 1 of the Civil Procedure Code, 1908, a review petition can be filed based on the discovery of new evidence, an error apparent on the face of the record, or any other sufficient reason.

6. In the case of ***Perry Kansagra v. Smriti Madan Kansagra*** reported in **(2019) 20 SCC 753**, the Supreme Court has observed that while exercising the review jurisdiction in an application under Order XLVII, Rule 1 of the Civil Procedure Code, 1908, the Review Court does not sit in appeal over its own order. It is observed that a rehearing of the matter is impermissible in law. It is further observed that review is not an appeal in disguise. It is observed that power of review can be exercised for correction of a mistake, but not to substitute a view. Such powers can be exercised within the limits of the statute dealing with the exercise of power. It is further observed that it is wholly unjustified and exhibits a tendency to

rewrite a judgment by which the controversy has been finally decided.

7. In the present case, the petitioners cannot be permitted to re-agitate and re-argue questions, which have already been addressed and decided. We find no substance in the submissions made by the learned counsel for the petitioners in as much as the arguments were heard in detail. Having considered the submissions in detail, we have decided the issues comprehensively and we find no error apparent on the face of record, which requires the review of the order dated 12-12-2025 passed by this Court in Civil Petition No.1142 of 2003. Thus, we ***dismiss*** the review petition.

In view of the dismissal of the review petition, pending interlocutory applications, if any, shall stand dismissed.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(VENKATESH NAIK T)
JUDGE**

KVK