



CNR: KAHC010158372026

NC: 2026:KHC:41882-DB
RP No. 104 of 2026

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 MS. JUSTICE TARA VITASTA GANJU

REVIEW PETITION NO. 104 OF 2026 (-)

BETWEEN:

THE MANAGING DIRECTOR,
K.S.R.T.C., K.H.ROAD,
SHANTHI NAGAR
BENGALURU - 560 027.
REP. BY ITS CHIEF LAW OFFICER.

...PETITIONER

(BY SMT.ARUNA BHAT., ADVOCATE FOR
SRI. G.LAKSHMEESH RAO., ADVOCATE)

AND:

RAVI SHANKARACHARI
S/O. GURUBRAMMACHARI,
AGED 27 YEARS,
R/A NO.196, MUNINAGAPPA LAYOUT,
NEAR SHIVA TEMPLE,
VIDYASAGAR, DR. SHIVARAMAKARANTHA NAGAR,
BENGALURU-560 077.

...RESPONDENT

THIS REVIEW PETITION IS FILED UNDER SECTION 114
R/W ORDER 47 RULE 1 OF CPC 1908, PRAYING TO CALL FOR
THE RECORDS IN MFA NO.3116/2021 AND REVIEW THE
JUDGMENT DATED 03.11.2025 PASSED BY THIS HON'BLE
COURT IN MFA NO.3116/2021 BY HOLDING THAT THE
PETITIONER KSRTC IS NOT LIABLE FOR PAYMENT OF THE
ENTIRE COMPENSATION AMOUNT TO THE RESPONDENT

Digitally signed by
SUMATHY KANNAN
Location: HIGH
COURT OF
KARNATAKA





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THEREIN AND THEREBY ALLOW THE ABOVE REVIEW PETITION
IN THE INTEREST OF JUSTICE.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
&
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL ORDER

(PER: HON'BLE MR. JUSTICE D K SINGH)

1. This review petition is filed seeking review of the judgment dated 03.11.2025 passed by this Court in M.F.A.No.3116/2021.

2. The learned counsel for the review petitioner on behalf of the Karnataka State Road Transport Corporation [KSRTC] submits that the pillion rider was the owner of the two-wheeler which met with the accident and he was not wearing the helmet and therefore, this Court should have attributed some contributory negligence on the part of the owner/pillion rider.

3. We have gone through the impugned judgment also. The learned counsel for the review petitioner has been



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unable to show any grounds to review the impugned judgment passed by this Court dated 03.11.2025 in M.F.A.No.3116/2021.

4. It is settled law that the power of review cannot be exercised by the Court merely to re-examine a judgment which has already been examined by this Court. The Supreme Court in the case of ***Kamlesh Verma v. Mayawati***¹; has held that the application for review is entertained only under the grounds mentioned in Order XLVII Rule 1 of the Code of Civil Procedure, 1908 including on account of a mistake or an error apparent on the face of the record. A review proceeding cannot be equated with an original hearing unless there is a glaring omission or similar grave error which leads to a miscarriage of justice, the power cannot be exercised. The relevant extract of the ***Kamlesh Verma*** case is reproduced below:

*"18. Review is not rehearing of an original matter. The power of review cannot be confused with appellate power which enables a superior court to correct all errors committed by a subordinate court. **A repetition of old and overruled argument is not enough to reopen***

¹ (2013) 8 SCC 320



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concluded adjudications. This Court in Jain Studios Ltd. v. Shin Satellite Public Co. Ltd. [(2006) 5 SCC 501] , held as under: (SCC pp. 504-505, paras 11-12)

"11. So far as the grievance of the applicant on merits is concerned, the learned counsel for the opponent is right in submitting that virtually the applicant seeks the same relief which had been sought at the time of arguing the main matter and had been negatived. Once such a prayer had been refused, no review petition would lie which would convert rehearing of the original matter. 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 This is a digitally signed order. The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 07/08/2026 at 16:10:50 exercised with extreme care, caution and circumspection and only in exceptional cases. 12. When a prayer to appoint an arbitrator by the applicant herein had been made at the time when the arbitration petition was heard and was rejected, the same relief cannot be sought by an indirect method by filing a review petition. Such petition, in my opinion, is in the nature of 'second innings' which is impermissible and unwarranted and cannot be granted."

19. Review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 CPC. In review jurisdiction, mere disagreement with the view of the judgment cannot be the ground for invoking the same. As long as the point is already dealt with and answered, the parties are not entitled to challenge the impugned judgment in the guise that an alternative view is possible under the review jurisdiction.



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Summary of the principles

20. Thus, in view of the above, the following grounds of review are maintainable as stipulated by the statute:

20.1. When the review will be maintainable:

(i) Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the petitioner or could not be produced by him;

(ii) Mistake or error apparent on the face of the record;

(iii) Any other sufficient reason.

The words "any other sufficient reason" have been interpreted in *Chhajju Ram v. Neki* [(1921-22) 49 IA 144 : (1922) 16 LW 37 : AIR 1922 PC 112] and approved by this Court in *Moran Mar Basselios Catholicos v. Most Rev. Mar Poulouse Athanasius* [AIR 1954 SC 526 : (1955) 1 SCR 520] to mean "a reason sufficient on grounds at least analogous to those specified in the rule". The same principles have been reiterated in *Union of India v. Sandur Manganese & Iron Ores Ltd.* [(2013) 8 SCC 337: JT (2013) 8 SC 275]

20.2. When the review will not be maintainable:

(i) A repetition of old and overruled argument is not enough to reopen concluded adjudications.

(ii) Minor mistakes of inconsequential import.

(iii) Review proceedings cannot be equated with the original hearing of the case.

(iv) Review is not maintainable unless the material error, manifest on the face of the order, undermines its soundness or results in miscarriage of This is a digitally signed order. The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.



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(v) A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected but lies only for patent error.

(vi) The mere possibility of two views on the subject cannot be a ground for review.

(vii) The error apparent on the face of the record should not be an error which has to be fished out and searched.

(viii) The appreciation of evidence on record is fully within the domain of the appellate court, it cannot be permitted to be advanced in the review petition.

(ix) Review is not maintainable when the same relief sought at the time of arguing the main matter had been negated."

[Emphasis Supplied]

5. We find no error apparent on the face of the record either on law or on facts, which warrant us to review the judgment and award dated 03.11.2025 passed by this Court in MFA No.3116/2021 c/w. MFA No.1911/2021. We therefore **dismiss** this review petition.

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

**Sd/-
(TARA VITASTA GANJU)
JUDGE**

BMV*

List No.: 1 Sl No.: 1