

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

RP No.106 of 2026
Date of Decision: 09.10.2026

Ved Parkash

.....Petitioner

Versus

State of Himachal Pradesh & Ors.

....Respondents

Coram

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting?

For the Petitioner: Mr. Ashok Sharma, Senior Advocate with Ms. Anubhuti Sharma, Advocate.

For the Respondents: Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocates General with Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General, for the respondents-State.

Mr. Sanket Sankhyan, Advocate, for respondent No.5.

Sandeep Sharma, J. *(Oral)*

CMP.M-2088 of 2025

By way of instant application filed under Section 5 of the Limitation Act, prayer has been made on behalf of the applicant/petitioner for condonation of delay in filing the accompanying review petition.

2. Having carefully perused the averments contained in the application, which is duly supported by an affidavit, this Court is convinced and satisfied that delay in maintaining the accompanying review petition is neither intentional nor deliberate, rather same has occurred on account of

the circumstances, which were completely beyond the control of the applicant and as such, delay in filing the petition, which in my considered view has been sufficiently explained, is condoned. The petition be registered. The application stands disposed of.

Review Petition No.106 of 2026

3. By way of present Review Petition, prayer has been made on behalf of the petitioner to review the judgment dated 24.12.2024, passed by this Court in CWP No.16039 of 2024, titled as ***Tripta Devi Lal Vs. State of Himachal Pradesh & Ors.***

4. I have heard learned counsel for the petitioner and gone through the record of the case.

5. The grounds raised are nothing, but reiteration of the grounds urged in writ proceedings. The review jurisdiction is not meant to appreciate and re-appreciate the facts already considered and urged. The review petition cannot be equated with original hearing of the case and finality of the judgment cannot be questioned by opening the entire case. The submission made that the decision suffers from an error apparent on the face of the record cannot be accepted. The Hon'ble Supreme Court in

M/s.Thungabhadra Industries Ltd. vs. The Government of Andhra Pradesh, AIR 1964 SC 1372, held:

“11. a review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected, but lies only for patent error. We do not consider that this furnishes a suitable occasion for dealing with this difference exhaustively or in any great detail, but it would suffice for us to say that where without any elaborate argument one could point to the error and say here is a substantial point of law which stares one in the face, and there could reasonably be no two opinions entertained about it, a clear case of error apparent on the face of the record would be made out.....” (P.1377)

6. In the case at hand grounds raised for reviewing of judgment are nothing, but reiteration of grounds already taken before writ proceedings. This Court sees no material irregularity manifest in the order, undermining its correctness or resulting into miscarriage of justice. Needless to say that review is not an appeal in disguise, entitling a party to be heard, simply because the party wants decision to be otherwise.

7. Consequently, in view of above, as well as principles laid down in the judgments rendered by Hon’ble Apex Court in **Kunha Yammed and Others vs. State of Kerala and Another, (2000)6 SCC 359, Akhilesh Yadav Etc. vs. Vishwanath Chaturvedi, (2013)2 SCC 1, Kamlesh Verma**

vs. Mayawati & Ors, (2013)8 SCC 320 and N.Anantha Reddy vs. Anshu Kathuria and Others, 4 (2013)15 SCC 534, the present petition is dismissed. Pending applications, if any, are also disposed of.

8. Needless to say, petitioner herein is always at liberty to lay challenge to eviction order, if any, passed by Assistant Collector Grade-II, in accordance with law. It is further ordered that no coercive action shall be taken against the petitioner, if not already taken, pursuant to order sought to be reviewed in instant proceedings, for a period of three weeks, by which time petitioner, if so advised, may approach appropriate court of law for redressal of his grievance.

**(Sandeep Sharma),
Judge**

October 09, 2026
(sunil)