



**RA-CW-298-2026;
CM-9542-CWP-2026 in
CWP-38610-2025 (O&M)**

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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**RA-CW-298-2026;
CM-9542-CWP-2026 in
CWP-38610-2025 (O&M)
Date of decision: 13.07.2026**

Charan Singh Benipal and another

....Review Applicants/Petitioners

Vs.

State of Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Puneet Jindal, Sr. Advocate assisted by
Mr. Amandeep Singh Meho, Advocate
for the review applicants/petitioners.

Mr. Nirmaljit Singh Diwana, Sr. DAG, Punjab.

HARSH BUNGER J. (Oral)

The present review application has been filed seeking review of the judgment dated 22.12.2025 passed by this Court in CWP No. 38610 of 2025. The relevant extract of which reads as under:-

“5. I have heard the learned counsel for the petitioners and perused the paperbook with his able assistance.

6. Apparently, the petitioners herein, were duly impleaded as party in the partition applications. Concededly, the petitioners were proceeded against ex parte and the partition proceedings continued and ultimately, final order of partition came to be passed on 11.11.2013 (Annexure P-2).

6.1 The aforesaid partition order dated 11.11.2013 (Annexure P-2) has been further affirmed by the Appellate as well as the Revisional Authority.



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7. As regards the submission of the petitioners that they have not been served in accordance with the provisions contained in Section 20 of the Punjab Land Revenue Act, suffice it to say that the petitioners have not placed on record any zimni orders passed by the learned Assistant Collector, so as to enable this Court to examine the aforesaid plea raised on behalf of the petitioners.

7.1 Be that as it may, the aforesaid contention was also raised by the petitioners before the learned Commissioner, Patiala Division, Patiala, who while dismissing the revision petition preferred by the petitioners, returned the following finding:-

“4. I have gone through the grounds of revision, heard the counsel for the respondents and have also gone through the orders passed by lower revenue authorities. In this case Naksha 'Irri' has been passed vide orders dated 11-11-2013 and the appeal filed against the same has been rejected by Collector vide order dated 29-7-2015. The main assertion of the petitioners is that they are necessary and affected party and they are liable to be given opportunity to file reply of the applications for partition and all the proceedings of partition should be conducted afresh after hearing the petitioners. After perusing all the facts of the case, I am of the opinion that the objections raised by the petitioners cannot be decided at this level as Naksha 'Irri' has already been passed. The petitioners were summoned through notice, registered notice, mushtri munadi as well as publication in the newspaper but they failed to appear before the court of A.C.1st grade. Before this court also, the petitioners have failed to explain as to what illegality has been done with them while approving Naksha 'Irri'. In view of the above, I do not find any reason to interfere with the orders passed by lower revenue authorities. Thus the revision filed in this case has no merits and the same is hereby **dismissed.**”

7.2 A perusal of the above-extracted finding returned by learned Commissioner, would show that a finding of fact has



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been returned to the effect that the present petitioners were summoned through notice, registered notice, mushtri munadi as well as publication in the newspaper, but they failed to appear before the learned Assistant Collector 1st Grade.

8. *Since, learned counsel for the petitioners has failed to dislodge the aforesaid factual observation made by learned Commissioner by referring to any material whatsoever, I find no merit in the aforesaid contention raised on behalf of the petitioners that they were not served in consonance with Section 20 of the Punjab Land Revenue Act, and the same is accordingly rejected.*

9. *As regards the submission that all the co-sharers were not impleaded as party in the partition proceedings; suffice it to say, that the petitioners have not placed on record copy of Naksha Alif nor any challenge has been made to Naksha Alif in the present writ petition. In case, any of the co-shares were not impleaded as party in the partition proceedings, then petitioners should have raised challenge to the Naksha Alif, which has not been done in the present proceedings.*

10. *Furthermore, even if any of the co-sharer has been left out of the partition proceedings, then it gives a cause of action to such co-sharer, who was not impleaded as the party. It appears that apart from petitioners, no other person has come forward to challenge the partition proceedings. Accordingly, the aforesaid contention of the petitioners is also rejected.*

11. *That apart, learned counsel for the petitioners was specifically asked as to what prejudice has been caused to petitioners by the manner in which the final partition has been ordered. However, learned counsel for the petitioners has failed to point out any serious prejudice caused to the petitioners by the manner in which the partition has been carried out; rather, from a perusal of the Naksha Jeem (available at page 201 of*



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paperbook) as well as the site plan (available at page 200 of paperbook), it is observed that the partition applicants namely Dalip Kaur (since deceased) and others have been allocated land measuring 10 kanal - 14 marla.

11.1 It is noticeable that the land under partition is comprised in two separate land pockets and the partition applicants - Dalip Kaur (since deceased) and others have been allocated land in both the land pockets. So far as the petitioners are concerned, their share has been kept joint with the other co-sharers in both the land pockets. It is further borne out from the site plan that the area allocated to the petitioners jointly with the other co-sharers is aligned to the main road as well as the passage in both the land pockets. The manner in which area has been partitioned, appears to be just and equitable.

12. No other argument has been raised.

*13. Considering the totality of circumstances, I see no compelling reason which may warrant interference by this Court in the present proceedings; accordingly the writ petition is **dismissed**.”*

2. In para No.7 of the judgment under review, it has been categorically mentioned that the petitioners have not placed on record any zimni orders passed by learned Assistant Collector, so as to enable this Court to examine the plea raised on behalf of the petitioners that they have not been served in accordance with the provisions contained in Section 20 of the Punjab Land Revenue Act, 1887.

3. Faced with this situation, learned Senior Counsel appearing for the review applicants/petitioners submits that now the review applicants have placed on record all the zimni orders along with the review application and a categoric averment in this regard have been made in para No.6(b) of



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the review application. Even in para No.4 of the review application, it has been averred that the review applicants/petitioners could not properly bring relevant facts on record.

4. It is observed here that the Court is required to decide the matter on the basis of material placed before it and once a final order has been passed, a party cannot be permitted to file a review application by attaching documents, which were never placed before the Writ Court at the time of the hearing of the writ petition. It is well-settled that the review-application is not a re-hearing of the matter nor it is an appeal in disguise. In this regard, reference can be made to the judgment of the Hon'ble Supreme Court in **"Sanjay Kumar Agarwal v. State Tax Officer" (1), 2023 AIR (Supreme Court) 5636**; wherein the Hon'ble Apex Court has considered the scope of a review petition and has observed as under:-

"16. The gist of the afore-stated decisions is that: -

(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.



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- (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 re-agitate 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..."*

- 5. No other argument has been raised.
- 6. Keeping in view the above, the instant review application is **dismissed**.
- 7. All pending application(s), if any, shall also stand closed.

13.07.2026
Ankit

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No