

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

CM Nos.6558 to 6560-C of 2014 in  
RA-30-C-2014 in  
RSA No.1283 of 1985  
Date of decision : 27.03.2015

Municipality Safidon

...Applicant-appellant

V/S

Murli Ram and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN**

Present: Mr. Amit Prashar, Advocate  
for the applicant-appellant.

Mr. Hardeep Singh, Advocate for respondent No.5

Mr. R. N. Lohan, Advocate for respondent No.6

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**JITENDRA CHAUHAN, J. (Oral)**

**CM No.6559-C of 2014**

CM is declined as the documents have no bearing for the  
just decision of the case.

**RA-30-C of 2014**

The review of the order dated 31.01.2011 passed by this  
Court has been prayed for in the instant application under Order 47  
Rule 1 read with Section 151 of CPC.

Learned counsel for the applicant contends that there are  
some subsequent events which if taken into account, will re-adjudicate

the matter properly and that; two notices dated 05.09.2011 and 16.09.2011 under Section 181 of the Punjab Municipal Act were served upon the appellant. He further contends that on 21.09.2011 another notice seeking clarification was also issued. That after receipt of these notices, the appellant herein filed a civil suit against the applicants and that after verifying the facts, on 06.03.2014 Deputy Commissioner, Jind ordered for registration of criminal case against the delinquent officials. Consequently a criminal case vide FIR No.157 dated 19.04.2014 under Sections 420/467/468/471 IPC was registered against the appellants, in which the investigation is going on.

Learned counsel for the appellant oppose the review application and contends that the subsequent events, if any, cannot be taken into consideration after the decision of the main Regular Second Appeal.

I have heard the rival contentions of the parties.

The Hon'ble Supreme Court of India in **Kamlesh Verma Vs. Mayawati and others 2013 (5) Recent Apex Judgments page 62 (SC)** framed the guidelines where the review petition will not be maintainable, which read as under:-

*“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 justice.*

*(v) A review is by no means an appeal in disguise whereby an erroneous decision is re-heard 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.”*

There is no mistake or error apparent on the face of record and there is no sufficient reason to review the well reasoned judgment in the Regular Second Appeal which reached finality. The matter cannot be re-heard in this review petition after delay of more than three years three months.

Accordingly this review petition is not maintainable.

**CM 6558-C-2014**

There is delay of 1172 days in filing the present review application. There is no sufficient ground to condone the delay, as main

review petition is not maintainable, this application under Section 5 of the Limitation Act for condone the delay is also dismissed.

As the applicant has wasted the time of the Court by filing this review petition on false and frivolous grounds after delay of three years three months, this court is of the opinion that such tendency should be curbed. Therefore, this review petition along with application under Section 5 of the Limitation Act is dismissed with cost of Rs.25,000/-.

**27.03.2015**  
*ashok*

**(JITENDRA CHAUHAN)**  
**JUDGE**