

**CM-15472-CII of 2014
RA-CR-150-CII of 2014
in FAO No.264 of 2010**

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

**CM-15472-CII of 2014 and
RA-CR-150-CII of 2014 in
FAO No.264 of 2010
Date of decision : 30.01.2015**

Sharda Devi and ors.

...Petitioners

Versus

Nafe Singh and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Ashit Malik, Advocate
for the petitioners.

Mr. R.M. Suri, Advocate
for respondent No.4.

JITENDRA CHAUHAN, J.

Heard.

For the reasons stated in the application, delay of 57 days in
filing the review application is condoned.

CRM No.15472-CII of 2014 is allowed.

Review Application No.150-CII of 2014

This is an application for review of judgment dated 07.05.2014
passed by this Court in FAO No.264 of 2010.

Learned counsel for the applicants contends that this Court
considered the basic salary inadvertently, while calculating the
compensation payable to the claimants. He further contends that the gross
salary of the deceased was to be taken into consideration while calculating

the compensation payable to the dependents of the deceased and income tax is to be deducted therefrom.

Learned counsel for respondent No.4-Insurance Company contends that this Court has rightly passed the judgment and there is no illegality and perversity in the judgment.

Heard.

In *Kamlesh Verma Vs. Mayawati and others 2013 (5) Recent Apex Judgments 62*, the Hon'ble Supreme Court held that in the following cases the review petition 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.

In this case, there is no material error on face of it which caused miscarriage of justice. Only appeal against the judgment is maintainable and the review is not maintainable.

In view of the legal position, this review petition is dismissed.

30.01.2015
vishnu

**[JITENDRA CHAUHAN]
JUDGE**