

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

RA-CR-176-CII of 2016 in
FAO No. 4351 of 2012
Date of decision: 21.12.2017

Jaspal Singh

...Appellant

Versus

Balvir Singh and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Dheeraj Narula, Advocate
for the applicant-appellant.

Mr. Sandeep Saini, Advocate for
Mr. Puneet Sharma, Advocate for respondent No.2.

Jitendra Chauhan, J. (Oral)

By way of the present application filed under Order 47 Rule 1 read with Section 151 of the Code of Civil Procedure, the applicant seeks the review of the order dated 20.05.2016, passed by this Court.

The learned counsel for the applicant contends that initially the appeal was filed through Sh. Rajbir Singh, Advocate. Thereafter, the appellant engaged him on 29.04.2014. On 20.05.2016, he being unwell could not appear in the matter and this Hon'ble Court decided the appeal and enhanced the amount of Rs. 2 lakh. He further states that the entire facts were not brought before this Court on 20.05.2016 and his colleague had appeared to make a request for adjournment on his behalf. He further submits that learned proxy counsel as well as learned counsel for the

Insurance Company did not bring to the notice of the Court that during the proceedings before the Lok Adalat on 08.03.2014, an offer of payment of Rs. 15 lakh over and above had been made before the learned Motor Accidents Claims Tribunal.

Heard.

In the case of Kamlesh Verma Vs. Mayawati and others, 2013 (5) Recent Apex Judgment, 62 (SC), it has been held as under:-

When the review will not be maintainable:-

- (i) A repetition of old and overruled argument is not enough to reopen concluded adjudication.*
- (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 material error in the judgment of this Court. This Court had decided the case after fully appreciating the evidence. No

ground is made out to review the judgment of this Court. Hence, the review petition is dismissed.

21.12.2017
sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable:	Yes	No