

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

**RA-CR-287-CII-2015 in
FAO No. 2008 of 2001
Date of Decision: November 09, 2017**

Devinder Kaur and others

..applicants-appellants

Versus

Angrej Singh and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Vishal Gupta, Advocate
for the applicants-appellants.

Ms. Vandana Malhotra, Advocate
for respondent no.3.

ANITA CHAUDHRY, J.

This review application has been filed seeking review of judgment dated 23.09.2015, passed by the Co-ordinate Bench.

A claim petition had been filed seeking compensation for the death of Pritam Singh. The accident had taken place on 22.02.1999. The FIR was registered on 10.05.1999. The Tribunal dismissed the claim petition against which an appeal was preferred. The appeal was dismissed on merits on 23.09.2015.

The submission on behalf of the applicants is that the evidence was not correctly appreciated and the judgments which were relied upon were ignored and the Court had arrived at a wrong conclusion with respect to the witnesses and the matter be heard again.

The submission on the other hand is that the scope of review is limited and review application is not maintainable and the review's jurisdiction has to be exercised sparingly and it cannot be used as a tool to re-argue the matter which has been conclusively decided.

The only point for consideration is whether the applicants have made out a case for review of the judgment and whether it satisfies the criteria for entertaining this review application.

Order 47 Rule 1(i) of the Code of Civil Procedure provides for review upon discovery of some important material or evidence which after the exercise of due diligence, which was not within the knowledge of the applicant and could not be produced. A party can approach for review of the judgment when there is an error apparent on the face of the record.

This Court has repeatedly held that the jurisdiction and scope of review is not re-hearing an appeal and it can be entertained only if there is an error apparent on the face of the record. The applicants in this case are seeking another hearing and want the Court to examine the evidence afresh, which is not within the scope of review. Therefore, the review application is dismissed.

**(ANITA CHAUDHRY)
JUDGE**

November 09, 2017

sunil

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No