

RA No.45-CII of 2017 (O&M) in
FAO No.3778 of 2014

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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

RA No.45-CII of 2017 (O&M) in
FAO No.3778 of 2014
Date of Decision.06.04.2017

Estate Officer, HUDA, Panchkula

.....Petitioner

Vs

Himanshu Coop. Group Housing Society Ltd. and another

.....Respondents

Present: Mr. R.D. Bawa, Advocate
for the applicant-petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J.(ORAL)

C.M. No.7378-CII of 2017

For the reasons stated in the application, delay of 391 days in
filing the review application is condoned.

Application is allowed.

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The review application tantamounts to re-agitating of the
grounds of appeal which is not permissible in view of the *ratio decidendi*
culled out by the Hon'ble Supreme Court in “**Tamilnadu Terminated Full
Time Temporary LIC Employees Association Vs. S.K. Roy, The
Chairman, Life Insurance Corporation of India and another**” 2016 (9)
SCC 366. The relevant paragraph of the judgment reads as under:-

*"Review is not re-hearing of an original matter. The power of review
cannot be confused with appellate power which enables a superior
court to correct all errors committed by a subordinate court. A
repetition of old and overruled argument is not enough to re-open
concluded adjudications. This Court, in **Jain Studios Ltd. v. Shin
Satellite Public Co. Ltd. (2006) 5 SCC 501**, held as under:*

11. So far as the grievance of the applicant on merits is concerned, the Learned Counsel for the opponent is right in submitting that virtually the applicant seeks the same relief which had been sought at the time of arguing the main matter and had been negated. Once such a prayer had been refused, no review petition would lie which would convert rehearing of the original matter. It is settled law that the power of review cannot be confused with appellate power which enables a superior court to correct all errors committed by a subordinate court. It is not rehearing of an original matter. A repetition of old and overruled argument is not enough to reopen concluded adjudications. The power of review can be exercised with extreme care, caution and circumspection and only in exceptional cases."

In view of the aforementioned observation, I do not find any error apparent on the face of record, much less, no ground is made out for interference and accordingly, the present review application stands dismissed.

**(AMIT RAWAL)
JUDGE**

April 06, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No