

106

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RA-RS-24-C-2017 (O&M) IN
RSA-2790-2012
Date of decision : 01.03.2017

Mahender Kishore Goel (deceased) through LRs

... Petitioner(s)

Versus

Municipal Corporation, Gurgaon and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Pankaj Jain, Advocate
for the applicant/appellant(s).

AMIT RAWAL, J. (ORAL)

CM-2474-C-2017

For the reasons stated in the application which is duly supported by an affidavit, the application is allowed and the delay of 20 days in re-filing the review application is condoned.

CM stands disposed of.

CM-2475-C-2017

For the reasons stated in the application which is duly supported by an affidavit, the application is allowed and the delay of 17 days in filing the review application is condoned.

CM stands disposed of.

RA-RS-24-C-2017

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.

01.03.2017
Yogesh Sharma

(AMIT RAWAL)
JUDGE

✓

Whether speaking/reasoned

Yes/ No

✓

Whether Reportable

Yes/ No