

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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(1) CM-16445-46-CII-2017 in/and
RA-CR-125-CII-2017 in
CR No.8445 of 2016

Rakesh KumarReview/Petitioner
Versus
Smt.Satish Ratti ...Respondent

(2) CM-16364-65-CII-2017 in/and
RA-CR-122-CII-2017 in
CR No.8486 of 2016

Kumar GauravReview/Petitioner
Versus
Smt.Satish Ratti ...Respondent

(3) CM-16368-69-CII-2017 in/and
RA-CR-123-CII-2017 in
CR No.8661 of 2016

Avinash Chander Gandhi (deceased) through L.R.Review/Petitioner
Versus
Smt.Satish Ratti ...Respondent

Date of decision: 09.08.2017

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.L.S.Mann, Advocate, for the review-petitioner.

G.S. SANDHAWALIA, J. (Oral)

Review applications, against orders dated 21.03.2017, have been filed by the counsel who was not the original counsel. The Apex Court in *Tamil Nadu Electricity Board Vs. N. Raju Reddiar & another* **AIR 1997 (SC) 1005** has held that a review application can only be filed by the original counsel and the practice of review applications being filed by other counsels, was deprecated. The relevant observations read as under:

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“Review petition is not, and should not be, an attempt for hearing the matter again on merits. Unfortunately, it has become, in recent time, a practice to file such review petitions as a routine; that too, with change of counsel, without obtaining consent of the advocate on record at earlier stage. This is not conducive to healthy practice of the Bar which has the responsibility to maintain the salutary practice of profession. In Review Petition No.2670/96 in CA No.1867/92, a Bench of three Judges to which one of us, K. Ramaswamy,J., was a member, has held as under:

"The record of the appeal indicates that Shri Sudarsh Menon was heard and decided on merits. The Review Petition has been filed by Shri Prabir Chowdhury who was neither an arguing counsel when the appeal was heard nor was he present at the time of arguments. It is unknown on what basis he has written the grounds in the Review Petition as if it is a rehearing of an appeal against our order. He did not confine to the scope of review. It would be not in the interest of the profession to permit such practice. That part, he has not obtained "No Objection Certificate" from the Advocate-on-Record in the appeal, in spite of the fact that Registry had informed him of the requirement for doing so. Filing of the "No Objection Certificate" would be the basis for him to come on record. Otherwise, the Advocate-on-Record is answerable to the Court. The failure to obtain the "No Objection Certificate" from the erstwhile counsel has disentitled him to file the Review Petition. Even otherwise, the Review Petition has no merits, It is an attempt to reargue the matter on merits. On these grounds, we dismiss the Review Petition".

Once the petition for review is dismissed, no application for

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clarification should be filed, much less with the change of the advocate-on-record. This practice of changing the advocates and filing repeated petitions should be deprecated with heavy had for purity of administration of law and salutary and healthy practice.”

An effort has been made to discredit the status of the landlady that she was not an NRI, on the strength of additional documents placed on record by virtue of the attached application. Thus, an attempt has been made to re-argue the matter all over on the ground that the landlady did not have a permanent resident status and therefore, did not fall within the definition of Section 2(dd) of the East Punjab Urban Rent Restriction Act, 1949.

It is to be noticed that eviction was ordered after evidence had been recorded before the Rent Controller, as leave had been granted. As many as 5 witnesses have been examined by the landlady and the tenant had also stepped into the witness-box. No effort was made, at that stage, to discredit the landlady on the ground that she was not an NRI, which has now been contended by placing additional documents on record. Nothing has been addressed on the issue that there was any error apparent on the face of the record in the judgment which is sought to be reviewed. In such circumstances, this Court is of the opinion that the matter cannot be re-argued on the basis of the additional documents placed on record, subsequently by another counsel.

Reliance placed upon **Des Raj @ Deso Vs. Financial Commissioner, Taxation, Punjab & others 2003 (3) PLR 591** would be of

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no help to the counsel for the review-petitioner, in view of the fact that the Court had noticed that since there was apparent mistake in the order, review of which had been sought and in such circumstances, the review which had been done by the Financial Commissioner, was upheld.

Resultantly, in view of the above, the present review applications along with the applications for condonation of delay of 102 days are hereby dismissed.

09.08.2017
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*