

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

RA-CWP-531 and 618 of 2014 in
CWP-18332-2009
Date of decision: 25.10.2018

Sat Bhushan Garg and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.Sakal Sikri, Advocate for
Mr.Arvind Seth, Advocate
for review applicant- respondent No. 4
in RA-CWP-531-2014

Mr.Anil Rana, Advocate
for the non-applicant/ petitioners

Ms.Sunint Kaur, AAG, Punjab
for review applicant- respondent Nos. 1 to 3
in RA-CWP-618-2014

JITENDRA CHAUHAN, J.

Both these applications have been filed for review of the
judgment dated 3.7.2014 passed by this Court.

Heard.

Hon'ble the Supreme Court in “**Kamlesh Verma Vs.
Mayawati and others**”, 2013 (4) SCC (Crl) 265, has summed up the law

with regard to review of the judgment when the Review will be maintainable:-

- i) Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the petitioner or could not be produced by him;
- (ii) Mistake or error apparent on the face of the record;
- (iii) Any other sufficient reason.
- (iv) The words “any other reason” mean “a reason sufficient on grounds at least analogous to those specified in the rule”.

When the review will not be maintainable:-

- (i) A repetition of old and overruled argument is not enough to reopen concluded adjudications.
- (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.”

In the instant case, no sufficient reason has been shown by the

review applicants to make out a case for review.

In view of the above, no case for review of the judgment dated 3.7.2014 is made out at this stage. As such, the present review applications are rejected.

25.10.2018
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / **No**