IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RA-CR-24-CII of 2014 and
CM-14109-CII-2014 in
FAO No. 4803 of 2013
Date of decision: 17.01.2018

Fateh Singh

...Appellant

Versus

National Insurance Company and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Ms. Monika Arora, Advocate for
Mr. Pritam Saini, Advocate
for the applicant-appellant.

Ms. Madhu Sharma, Advocate
for respondent No.1-Insurance Co.

None for respondent Nos. 2 & 3.

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Jitendra Chauhan, J. (Oral)

By way of the present application filed under Order 47 Rule 1 read with Section 151 of the Code of Civil Procedure, the applicant seeks the review of the order dated 20.01.2014, passed by this Court.

The learned counsel appearing on behalf of the applicant/appellants states that along with appeal, the applicant had filed an application to place on record the tax receipt for route permit and certificate of fitness, however, the same have been rejected on the ground that the document collection receipt does not reflect anything with regard to route permit. In this context, it is submitted that there is no requirement of route permit for the trucks which are permitted to enter from one state to another. The truck owners have to pay tax at the Tax Collection Centre whenever they enter from one state to another state. Secondly, the fitness certificate can be taken from any place wherever the vehicle is taken. In the instant case, the vehicle was at Faridabad at the relevant time.

On the other hand, learned counsel for Insurance Company opposes the present application.

Heard.

In the case of ***Kamlesh Verma*** ***Vs.*** ***Mayawati and others***, *2013 (5) Recent Apex Judgment, 62 (SC)*, it has been held as under:-

When the review will not be maintainable:-

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

(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.

There is no material error in the judgment of this Court. This Court had decided the case after fully appreciating the evidence. No ground is made out to review the judgment of this Court. Hence, the review petition is dismissed.

17.01.2018 **(JITENDRA CHAUHAN)**
sumit.k **JUDGE**

Whether speaking/reasoned :	Yes	No
Whether Reportable:	Yes	No