

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

RA No.48-C of 2017 (O&M) in
RSA No.2942 of 2012

Bharat Bhushan

....Appellant

Versus

Vijay Kumar and Ors.

....Respondents

AND

RA No.49-C of 2017 (O&M) in
RSA No.2949 of 2012

Bharat Bhushan

....Appellant

Versus

Vijay Kumar

....Respondents

Date of Order: 07.5.2018

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Sunil Narang, Advocate for
the applicant/appellant.

AMIT RAWAL, J (ORAL)

**CM-5006-C of 2017 and
CM-5024-C of 2017**

Instant application has been preferred for condonation of 57 days delay in filing the review application.

After hearing learned counsel for the applicant and perusing the contents of the application, I find that the explanation given by the applicants to the effect that the delay occurred in the process of approaching the counsel is not of worthy acceptance.

Hence the present applications are dismissed.

**RA-RS-48-C-2017
RA-RS-49-C-2017**

The review applications tantamount 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 applications stand dismissed.

May 02, 2018
manoj

(AMIT RAWAL)
JUDGE

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