

RA No.31-C of 2018 (O&M) in
R.A.No.144-C of 2016 in
RSA No.2978 of 1987

Manoj Kumar
2018.05.07 10:44
I attest to the accuracy and
integrity of this document
#107

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

RA No.31-C of 2018 (O&M) in
R.A.No.144-C of 2016 in
RSA No.2978 of 1987

Balwant Singh

....Appellant

Versus

Ujjagar Singh and Ors.

....Respondents

Date of Order: 02.5.2018

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. S.S. Swaich, Advocate for the applicant/respondent No.9.

AMIT RAWAL, J (ORAL)

CM-4832-C of 2018

For the reasons stated in the application which is duly supported by an affidavit, the application is allowed and the delay of 61 days in re-filing the review application is condoned.

CM stands disposed of.

CM No.4833-C of 2018

Prayer in this application is for condonation of 352 days delay in filing the appeal.

After hearing learned counsel for the applicant and going through the contents of the case file, I find no merit in the application and the same is dismissed.

RA-RS-31-C-2018

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,

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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 negatived. 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.

May 02, 2018
manoj

^(AMIT RAWAL)
JUDGE

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