

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

Review Application No.36-C of 2018 IN
R.S.A.No.4503 of 2013
Date of decision : 10.05.2018

Bijender Singh & others

... Appellants

Versus

Mahinder

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr.Vivek Singla, Advocate
for the applicant-respondent.

AMIT RAWAL , J. (ORAL)

Prayer in the application is for review of the order dated
26.2.2018 passed by this Court.

Mr.Vivek Singla, learned counsel appearing on behalf of the
applicant-respondent submitted that an oral agreement was executed and the
Courts below found it in favour of the applicant. However, the applicant
came to know that the defendants have already sold the land and, thus, the
suit was filed on 8.1.2008. The defendants despite having the knowledge of
pendency of the suit, got exchanged deed registered on 29.2.2008 in favour
of non-applicant/appellant No.1. On 4.3.2008, appellant No.2 suffered a
statement before the Court that he shall not alienate the land without prior
permission. The appellants deliberately and knowingly made a wrong
statement before the Court. The said exchange deed was subsequently

transferred into sale deed dated 18.3.2008. The non-applicants on coming to know of the said fact filed the suit for possession by way of specific performance on 22.4.2008, much prior to the date of execution of the sale deed.

I have heard the learned counsel for the applicant-respondent and appraised the paper book.

The ground of review noticed above 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, 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 application stands dismissed.

(AMIT RAWAL)
JUDGE

10.05.2018
ramesh

Whether speaking/reasoned

Yes/ No

Whether Reportable

Yes/ No