

RA-RS-53-C of 2018 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

RA-RS-53-C of 2018 (O&M) in
RSA No.2955 of 2012
Date of decision:13.07.2018

Rajinder Kumar (since deceased) through LRs ... Appellants

Vs.

Rajinder Parshad through LRs Upender Verma and another
... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Raj Mohinder Pal, applicant/respondent No.2-in person.

AMIT RAWAL J. (Oral)

The review application tantamounts to re-agitating of the grounds of regular second 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 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. Accordingly, the present review application is dismissed on the ground of delay as well as on merits.

(AMIT RAWAL)
JUDGE

July 13, 2018
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No