

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

**RA-CW-256-2018 (O&M) in
CWP-3978-2017
Date of decision-06.10.2018**

Naib Singh and others

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: None.

JITENDRA CHAUHAN, J. (Oral)

CM-13366-CWP-2018

CM application is allowed as prayed for, subject to all just exceptions.

RA-CW-256-2018 (O&M)

The instant application is for review of the judgment dated 23.05.2018 on the grounds that the petitioners have a good case on merits, however, certain submissions raised in the writ petition have not been addressed in said the judgment.

Hon'ble the Supreme Court in “**Kamlesh Verma Vs. Mayawati and others**”, 2013 (4) SCC (CrI) 265, has summed up the law with regard to review of the judgment when the Review will be maintainable:-

- i) Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within

knowledge of the petitioner or could not be produced by him;

(ii) Mistake or error apparent on the face of the record;

(iii) Any other sufficient reason.

(iv) The words “any other reason” mean “a reason sufficient on grounds at least analogous to those specified in the rule”.

When the review will not be maintainable:-

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

(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.

In the instant case, no sufficient reason has been shown by the petitioners to make out a case of review of the judgment dated 23.05.2018.

The review application is also suffers from delay of 76 days which has not been sufficiently explained.

In view of the above, the review application stands is dismissed
on merits as well as on delay.

Dismissed.

06.10.2018
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(JITENDRA CHAUHAN)
JUDGE

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