

***RA-RS-48-2019 (O&M) and
RA-RS-37-2019 (O&M) in
RSA No. 5867 of 2003***

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In the High Court for the States of Punjab and Haryana at Chandigarh

**RA-RS-48-2019 (O&M) and
RA-RS-37-2019 (O&M) in
RSA No. 5867 of 2003
Date of Decision: May 03, 2019**

Birinder Pal Singh (since deceased) through LRs and others

... Review Applicants/appellants

Versus

Gandharav Singh Nagra (since deceased) through LRs and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Gaurav Chopra and Mr. Ajiteshwar Singh, Advocates,
for the review applicant/appellant No.1.

Mr. B.S.Bedi, Advocate,
for the review applicant/appellant No.2.

Amit Rawal, J. (Oral)

This order of mine shall dispose of two Review Applications bearing Nos. RA-RS-48-2019 and RA-RS-37-2019.

Appellant No.1 had preferred a Special Leave Petition(Civil) No. 4323 of 2019 before the Hon'ble Supreme Court of India, which was dismissed vide order dated 15.02.2019.

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 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 both the afore-mentioned review

applications i.e. RA-RS-48-2019 and RA-RS-37-2019 stand dismissed.

There are applications for delay of 120 days and 87 days in filing the review applications and for delay of 4 days in re-filing the review application. The ground and explanation given in the applications is not reasonable, much less, cogent and accordingly, the same are also dismissed.

May 03, 2019
vkd

(Amit Rawal)
Judge

Whether speaking / reasoned : Yes

Whether reportable : No