

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RA-CW-138-2019 (O&M)

Date of decision : 1.4.2019

Uttri Haryana Bijli Vitran Nigam Limited and another

...Applicants

Vs.

Roop Chand and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr.Pankaj Gupta, Advocate for the review
applicants/proposed respondent Nos.3 to 5.

JITENDRA CHAUHAN, J. (ORAL)

CM No.4858-CWP-2019

No plausible explanation has been furnished to condone the delay of 20 days in filing the review application. Accordingly, the application is hereby dismissed.

CM No.4859-CWP-2019

As the applicants were not party to the proceedings otherwise also in view of the factual aspect of the matter, impleadment of the petitioner is not required at this stage. Therefore, the application for impleadment sans merit and is hereby dismissed.

RA-CW-138-2019

The instant application is for review of the judgment dated 5.2.2019 on the grounds that the petitioner has good case on merits which was left out and certain submissions could not be made earlier.

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.
- (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 petitioner to make out a case of review.

In view of the above, no case for review of order dated 5.2.2019 is made out at this stage.

Review application stands dismissed.

1.4.2019
Meenu

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No