

**RA-RS-58 of 2019 (O&M) in
RSA No.2444 of 1988**

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

**RA-RS-58 of 2019 (O&M) in
RSA No.2444 of 1988
Date of decision:27.05.2019**

Kanshi Ram (since deceased) through LRs ... Appellant

Vs.

Jawantri (deceased) through LRs and another ... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Saurabh Bajaj, Advocate
for the review applicant/appellant.

AMIT RAWAL J. (Oral)

C.M.No.6484-C of 2019

The application is allowed, subject to all just exceptions. Legal representatives of review applicant/appellant-Kanshi Ram as mentioned in the application are ordered to be brought on record for the purpose of prosecuting the present review application.

Amended Memo of Parties is taken on record.

RA-RS-58 of 2019 (O&M)

The review application 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."

It has become a common practice amongst the litigants to change the lawyer for filing the review application. On the last date of hearing, Mr.Saurabh Bajaj, learned counsel for the review applicant/appellant has sought time to file fresh Vakalatnma with 'No Objection Certificate' from the previous counsel which has not been filed. The Hon'ble Supreme Court in **T.N. Electricity Board and another Vs. N. Raju Reddiar and another 1997(9) SCC 736** deprecated such type of practice.

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

May 27, 2019
savita

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