

RA-RS-85 of 2019 (O&M) in
RSA No.2046 of 1988

{1}

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

RA-RS-85 of 2019 (O&M) in
RSA No.2046 of 1988
Date of decision:05.07.2019

Labh Singh and another

... Appellants

Vs.

Sukhdev Singh (since deceased) through LRs and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. D.V.Sharma, Senior Advocate with
Ms. Shivani Sharma, Advocate
for the review applicant/respondent no.2.

AMIT RAWAL J. (Oral)

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. The review application has been filed without obtaining 'No Objection Certificate' from the previous counsel. 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.

Moreover, review applicant/respondent no.2 has also filed other suit and did not disclose with regard to decree.

In view of the aforementioned observations, 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.

July 05, 2019
savita

(AMIT RAWAL)
JUDGE

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