

RA-RS-94 of 2019 (O&M) in
RSA No.2625 of 1987

{1}

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

RA-RS-94 of 2019 (O&M) in
RSA No.2625 of 1987
Date of decision:17.09.2019

Jagir Kaur (D) through LR's and another ... Appellants

Vs.

Arjan Singh (D) through LR's and others ... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. A.K.Walia, Advocate
for review applicant/appellant No.1(ii)-Paramjit Kaur.

Mr. Rakesh Chopra, Advocate
for respondents no.1 to 3.

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 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."

The appellant-plaintiffs failed to prove on record nature and character of entire property other than 22 bighas 10 ½ biswas at the hands of Puran Singh to be ancestral. This Court had already formed an opinion that other part of property, Puran Singh derived from other collateral.

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.

Mr. Rakesh Chopra, learned counsel for the non-applicant/respondents no.1 to 3 has pointed out certain clerical error in penultimate paragraph of judgment that it should have been substantial question nos.2 and 3 in favour of respondent-defendants and only substantial question no.1 in favour of appellants. The same is ordered to be corrected.

(AMIT RAWAL)
JUDGE

September 17, 2019
savita

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