

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

RA-CW-394-2019 in
CWP-16386-2018
Date of decision: 26 .9.2019

Amit Sharma and others

...Petitioners

Versus

Governing Body, Mehr Chand Polytechnic College, Jalandhar and ors
...Review applicant /Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr.Akshay Bhan, Sr. Advocate with
Mr.Alok Mittal, Advocate and
Mr.RS Cheema, Advocate
for review applicant/ respondent Nos. 1 and 2

JITENDRA CHAUHAN, J.

The present application is for review of the judgment dated
4.9.2019 (Annexure R-1) passed in CWP-16386-2018.

Heard.

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

sufficient on grounds at least analogous to those specified in the rule”.

When the review will not be maintainable:-

- (i) A repetition of old and overruled argument is not enough to reopen concluded adjudications.
- (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 stated in review application to make out a case for review.

In view of the above, no case for review of the judgment dated 4.9.2019 (Annexure R-1) passed in CWP-16386-2018 is made out at this stage. As such, the present review application is rejected.

26.9.2019
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No