

**RA-RS-72-2019 and
CM No.7415-C of 2019 in
RSA-5334-2018**

MUKHTIAR KAUR VS DALBARA SINGH

Present:- Mr. Dinesh Sharma, Advocate
for the review-applicant/appellant.

Mr. Gurbir Singh Pannu, Advocate
for the non-applicant/respondent.

The applicant-appellant is seeking review of the judgment passed by the Coordinate Bench of this Court on 18.12.2018.

Learned counsel for the applicant/appellant contends that the Court has erred in recording that the earnest money had been paid while this is factually incorrect.

Learned counsel for the non-applicant/respondent, however, contends that this argument of the applicant-appellant had been noticed and duly dealt with by the Court while passing the judgment which is sought to be reviewed.

Heard.

It is manifest from a bare reading of the judgment dated 18.12.2018 that the submission of the counsel for the applicant-appellant had been duly recorded to the extent that he had submitted that there is no cogent evidence to prove that actually ₹40 lacs was paid by way of earnest money. However, this argument has been rejected by holding that once the agreement for sale between the parties is accepted to be a genuine document and the recital discloses that ₹40 lacs had been received by the defendant as earnest

money, then it would not be open to the defendant to deny the same. It is further recorded that the issue of genuineness of the deed of agreement stands concluded by the judgments of the Courts below.

In view of the above, I do not find any error apparent on the face of it which would warrant review of the judgment dated 18.12.2018. It appears that the petitioner in the guise of review is seeking re-hearing of the matter which would not be permissible under Order 47 Rule 1 CPC. Reference can be made to the judgment of the Supreme Court in the case of *S. Bhagirathi Ammal versus Palani Raman Catholic Mission, 2009(10) SCC 464*.

The revision application as well as the misc. application (CM No.7415-C of 2019) stand dismissed.

**(ANUPINDER SINGH GREWAL)
JUDGE**

January 14, 2020

sonia gugnani