

***RA-CW-288-2019(O&M) in
CWP-12958-2016***

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

RA-CW-288-2019(O&M) in

CWP No.12958 of 2016

Date of Decision:-06.03.2020

Mahender Kumar & Ors.

.....Petitioners.

Versus

State of Haryana & Ors.

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present:- Mr. Satya Veer Sharma, Advocate for applicants/Petitioners.

Ms. Shruti Jain Goyal, Deputy Advocate General, Haryana
for respondent Nos.1 & 2/State.

Mr. Ram Bilas Gupta, Advocate for respondent nos.3 & 4.

JASWANT SINGH, J.

This is an application filed by three (3) applicants-petitioners-
Mahender Kumar and others, seeking review of the order dated 23.05.2019,
whereby their writ petition was ordered to be dismissed vide a detailed order.

Learned Counsel for petitioner, while trying to re-agitate the matter
has argued that material facts and circumstances have not been argued before this
Court, which have consequently overlooked by us while passing the order dated
23.05.2019. It is further argued that during the pendency of the writ petition, a civil

suit no CS/1364/2014 filed by respondent no 3 and 4 has been decided against them and therefore this fact has a material bearing on the decision of the instant case. Finally, it is argued that reply filed by respondents no 3 and 4 to the writ petition would show that assertions have been made by them contrary to record and therefore respondents no 3 and 4 have mis-lead the court. Hence, prayer has been made for allowing the application and reviewing the order dated 23.05.2019.

On the other hand, learned Counsel for the respondents no 3 and 4 has argued that all the arguments raised by review-applicant are factual in nature which cannot be gone into by us, while entertaining a review application. It is further submitted that the instant application has been filed by a new counsel and not by the original writ petition counsel and therefore the review-applicants cannot claim that all the submissions were not made. Hence, prayer has been made for dismissal of the application.

We have heard counsel for petitioner at length and have perused the application, paper-book as well as the judgment dated 23.05.2019. However, we are of the opinion that instant application is devoid of any merit.

The parameters for exercising powers for reviewing an order are very limited. We can review an order in case a material fact has been ignored by the Court while passing the order. However, no such fact has been shown to us that has either not been considered or ignored while passing the order dated 23.05.2019. A perusal of the order dated 23.05.2019 would show that all the aspects of the case, including the orders passed by three revenue authorities were considered, before dismissing the writ petition. Thus, it cannot be said that the decision given by us was solely on the basis of submissions made by review applicants or pleading of the parties only. The review-applicants have tried to re-agitate the matter, which is not permissible under law. Reference in this regard can be made to Judgment passed by Hon'ble Supreme Court in "*Kamlesh Verma Vs*

03.10.2016 in Civil suit no. CS/1364/2014 filed by respondent no 3 and 4 was well within the knowledge of review applicants, if not their counsel, however for reasons best know to them, it was not made part of record before the court at the time of adjudication and therefore same cannot be made as a ground for reviewing the order at this stage because it cannot come within the ambit of “Sufficient reason”.

In fact, the present counsel for applicants has no right to submit that the previous counsel had not raised all the arguments and consequently, same were not considered by us. We had heard the counsel for both parties at length and thereafter passed order dated 23.05.2019. The practice of changing counsels for filing review applications is not acceptable to us at all. After taking a calculated chance of arguing with the assistance of one counsel and securing an un-favorable order, under the garb of review application, review-applicant cannot be permitted to re-open the matter and argue as if there is no previous decision on merits.

Consequently, finding no merit in the instant application, same is hereby **dismissed**.

(JASWANT SINGH)
JUDGE

(AVNEESH JHINGAN)
JUDGE

March 06, 2020
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>