

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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RA-CR-6-2021 in CR-3892-2019
DATE OF DECISION: 04.03.2021

RAKESH SHARMA

.....Applicant(s)

Versus

KUNDAN LAL KAPOOR

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL.

Present: Mr. Sandeep S. Majithia, Advocate for the applicant.

ANUPINDER SINGH GREWAL , J. (Oral)

The applicant is seeking review of the judgment dated 06.03.2020 whereby the revision petition preferred by him was dismissed.

Learned counsel for the applicant contends that two cases which include a suit for recovery of loan preferred by the applicant and petition for eviction preferred by the respondent-landlord should have been taken up together as the applicant had already paid more than the due amount and had also advanced loan to the respondent - landlord and on the failure of the respondent-landlord to return the loan, the applicant had filed a suit for recovery. The payment which the applicant had made advanced to the respondent-landlord including the loan amount should have been taken into consideration while determining the arrears of rent which were due to the respondent-landlord. He also contends that this point was erroneously not argued by the counsel for the applicant who had appeared when the petition was dismissed.

Heard.

The applicant has raised the issue of the suit for recovery having been preferred by the applicant against the respondent-landlord. This point was not raised by the counsel who argued the revision petition before

this Court. Even in the grounds of revision, such a plea has not been advanced.

On a query of this Court as to what is the date on which the suit for recovery was preferred by the applicant, learned counsel has not been able to give satisfactory answer and has only stated that it was filed prior to the petition for eviction preferred by the respondent. The date and the number of the suit for recovery of the loan are not forthcoming.

It is, thus, manifest that the applicant is trying to set up a new plea which was neither advanced before this Court either during the time of arguments or in the pleadings. Even otherwise, this plea is without any foundation as particulars of the suit for recovery have not been disclosed.

The applicant is seeking re-hearing of the case which would not be permissible in view of the limited scope of review under Order 47 Rule 1 CPC. The review would be maintainable only in the event of an error apparent on the face of record. The applicant has not been able to point out any manifest error in the judgment.

Consequently, the review application stands dismissed.

04.03.2021*Swarnjits***(ANUPINDER SINGH GREWAL)
JUDGE**

Whether speaking / reasoned : Yes /No.
Whether Reportable : Yes/No