

PARAMJIT SINGH THROUGH LRS V/S GURDIAL SINGH
AND OTHERS

Present: Mr. Gaurav Chopra, Senior Advocate with
Mr. Aditya Dassaur, Advocate
for the applicant/respondent No.1.

Mr. Sunil Garg, Advocate
for the non-applicant/appellants.

This Court vide judgment/decree dated 15.11.2021 disposed off two regular second appeals bearing No. RSA-435-2021 titled as 'Paramjit Singh (deceased) through legal heirs versus Parminder Kaur and others' and No. RSA-427-2021 titled as 'Paramjit Singh (deceased) through legal heirs versus Gurdial Singh and others', whereby, through the finding in question, both the appeals of the appellants stood allowed. It is in this context, the present review application has come about by the applicant in terms of Order 47 Rule 1 read with Section 114 CPC and which assailments made on merits and interpretation of the evidence over the very family settlement/oral settlement dated 15.03.1985; 17.07.1995 and 29.03.1997. The counsel has laid much stress in his submissions and has laid challenge over the documents in question, so executed between them on merits which is not permissible. The question of relinquishment of

share in the property by any of the parties cannot be commented upon at this juncture. The counsel has further in his arguments sought to raise the points of self-contradictions and self-defeating stands and which could not be taken into consideration in a review application and it is well settled law as has sought to be relied upon by counsel for the respondent who has cited the judgments titled as 'Sasi (D) Through Lrs. Versus Aravindakshan Nair and Others' 2017 (2) R.C.R. (Civil) 363 and 'Parsion Devi versus Sumitri Devi' 1997 (4) R.C.R. (Civil) 458; where the Apex Court has laid down that a review cannot be allowed to be disguised as an appeal for getting an erroneous decision reheard and corrected and has to be used within the ambit of Order 47 Rule 1 CPC to rectify any error patent on the records instead of assailing the orders on the appeals by this Court before the next Court the instant review has come about for a motivated cause. Since, this Court cannot come across any mistake or an error apparent on the records which could be self evident and any such interpretation that is sought to be put forth by the counsel for the applicant by process of reasoning cannot be considered at this juncture.

This Court does not find any merit and the same stands dismissed.

05.07.2022

Neha

(FATEH DEEP SINGH)
JUDGE