

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

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**RA-CR-38-2022 and
CM-5976-CII-2022 in
CR-1310-2022
Date of Decision : 19.05.2022**

Ankush Rawat

...Applicant

Versus

Guru Nanak Education Trust and Another

...Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. P.S.Khurana, Advocate for the applicant-petitioner.

ALKA SARIN, J. (Oral)

The present application has been filed for review of the order dated 27.04.2022 on the ground that there is an error apparent on the record as real facts were not put forth before this Court.

It is apt to notice that the present application for review has been filed by a counsel who was neither the filing counsel nor the arguing counsel. A perusal of the order dated 27.04.2022 would reveal that the counsel appearing on behalf of the petitioner had not pressed the revision petition on merits and had also made a statement that he would withdraw the appeal pending before the Appellate Authority against the eviction order dated 02.12.2021 and further that he is willing to pay the entire arrears of rent and future rent/compensation for use and occupation of the premises in case he is granted a period of 09 months for vacating the same since he is running his shop in the said premises since 1973.

Mr. Rahul Rampal, Advocate, who was present in Court, accepted notice on behalf of the respondents. On instructions from the respondents, he stated that the respondents have no objection in giving 09 months' time to the petitioner to vacate the premises provided that the entire arrears be cleared within a period of 15 days and the future rent/compensation for use and occupation was paid by the 10th of every month. In view of the statements made by the learned counsels, the petition was disposed off.

Learned counsel for the applicant has firstly contended that he has obtained a no objection from the earlier counsel who had appeared before this Court on 27.04.2022. It is next contended by the learned counsel that the error apparent on the face of the record is that certain facts were not brought to the notice of this Court and in view thereof the order dated 27.04.2022 be reviewed and the matter be considered on merits.

Heard.

In the present case, the present review application has been filed by the counsel who was neither the filing counsel nor the arguing counsel nor was he present at the time of passing of the order dated 27.04.2022. A bare perusal of the order dated 27.04.2022 reveals that the revision petition was not pressed on merits by the counsel for the petitioner and was disposed off on mutually agreeable terms. Learned counsel for the applicant has contended that he has taken no objection from the earlier counsel. However, the same would not suffice inasmuch as the petition was disposed off on the

statements made by the counsel and none other than the counsel who had made a statement on 27.04.2022 would be in a position to say what had transpired on the said date.

Further, the Supreme Court of India has repeatedly deprecated the conduct of the parties of changing their counsels and filing review petitions. Support qua the same can be drawn from the judgment of the Supreme Court passed in **Om Parkash Vs. Suresh Kumar [2020(13) SCC 188]** and **T.N.Electricity Board & Anr. Vs. N. Raju Reddiar & Anr. [1997(9) SCC 736]**.

Learned counsel for the applicant has not been able to point out any error apparent on the face of the record. The applicant by filing the present application is wanting to resile from the statement made by the earlier counsel and to re-argue the matter on merits, which cannot be permitted in law. The parties are bound by the statements made by their counsel in Court. It is not the case of the applicant that the counsel was not authorized to made the statement. Infact the only ground of review is that there is an error apparent on the record as the real facts were not put before this Court.

In view of the above, I do not find any merit in the present application which is dismissed with exemplary costs of Rs.20,000/- to be deposited with the Chandigarh Legal Aid Society.

May 19, 2022
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO