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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RA-CR-206-CII-2014 (O&M)
DATE OF DECISION : 30.05.2022

Balram and Others ….. Petitioners

versus

Lal Chand and Others .....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ashok Kumar Khubbar, Advocate for the applicant-respondent No.1

ALKA SARIN, J. (Oral):

CM-1088-CII-2020:

For the reasons stated in the application, the delay of 33 days in filing the application for restoration of the review application is condoned.

CM disposed off.

CM-1090-CII-2020:

This is an application for restoration of the review application to its original number.

PARKASH CHAND
2022.05.31 12:50
I attest to the accuracy and
authenticity of this order/judgment

For the reasons stated in the application, the same is allowed and the review application is restored to its original number.

With the consent of the learned counsel, the review application is taken up for hearing today itself.

RA-CR-206-CII-2014:

The present review application has been filed for review of the order dated 11.11.2013 vide which the civil revision was allowed holding that the Trial Court was rendered *functus officio* as the decree had attained finality.

The suit for declaration filed by the plaintiff-respondents was decreed on 15.10.1996. The matter had gone up to the Apex Court and was decided on 07.11.2003. Thereafter an application was moved before the Court below seeking amendment of the plaint as well as the decree which was allowed vide order dated 19.12.2012. The present revision petition challenging the order dated 19.12.2012 was allowed by this Court on 11.11.2013 after hearing both the counsel and the impugned order was set aside. The said order dated 11.11.2013 is sought to be reviewed in the present application.

Learned counsel for the applicant-respondent No.1 contends that since the area of certain khasra numbers was wrongly typed and one khasra was omitted while drafting the plaint, hence, it was necessary to amend the plaint.

PARKASH CHAND
2022.05.31 12:50
I attest to the accuracy and
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It has been repeatedly held in various judgments that the jurisdiction and scope of review is not that of an appeal and it can be entertained only if there is an error apparent on the face of the record. Review of the earlier order cannot be done unless the Court is satisfied that material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice. It appears that in the garb of the present review application learned counsel for the applicant-respondent No.1 wants to re-argue the entire case. A review application has a limited purpose and cannot be allowed to be an appeal in disguise whereas all the pleas had already been raised while disposing off the revision petition. The plea now canvassed by the counsel for the applicant-respondent No.1 is not an error apparent on the face of the record justifying this Court to exercise its power of review.

In view of the above, the present review application is dismissed.

Pending applications, if any, also stand disposed off.

30.05.2022 **(ALKA SARIN)**
parkash **JUDGE**

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

PARKASH CHAND
2022.05.31 12:50
I attest to the accuracy and
authenticity of this order/judgment