

30.11.2023
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RVW 109 of 2023

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IA No.: CAN 1 of 2023

Life Insurance Corporation of India & Others

– *Versus* –

Rupa Sarkar & Another

Mr. Avishek Guha,

Ms. Sonal Agarwal

... for the Petitioners/Appellants.

Mr. Avijit Ghosal

... for the Respondent No.1.

Aggrieved by the order dated 5th April, 2023 passed in the appeal, being FMA 880 of 2022 the Life Insurance Corporation of India (in short, LIC) and its functionaries have preferred the present review application, being RVW no.109 of 2023 along with an application, being CAN 1 of 2023.

Records reveal that the appeal, being FMA 880 of 2022 was preferred by the writ petitioner/respondent no.1 herein challenging an order dated 11th July, 2019 passed in the writ petition being W.P. No.30643 (W) of 2017.

Mr. Guha, learned advocate appearing for the applicants primarily argues that the impugned order was passed without considering that a fraud had been practised against the LIC and the policy of the respondent no.1 along with other policies are involved in the pending criminal proceedings.

He submits that a necessary and proper party was not impleaded in the writ petition for effective

adjudication of the *lis*. Such issue was glossed over and no finding was returned on the same.

He further submits that the Court also did not take into consideration the fact of non-disclosure of the source towards payment of the premium amount by the respondent no.1 pertaining to the policy. Such infirmities, apparent on the face of the record, warrant interference of this Court in the present review application.

Per Contra Mr. Ghosal, learned advocate appearing for the writ petitioner/respondent no.1 herein submits that there is no patent error apparent on the face of the records and the parameters prescribed for review do not postulate a rehearing of the dispute because a party has not highlighted all the aspects of the case or could perhaps argued them more forcefully and/or cited binding precedents to the Court.

The review proceedings are not by way of appeal. The power of review may be exercised when mistake/error apparent on the face of the record is found.

Matters which ought to have been urged in course of appeal have been sought to be agitated afresh and as such the argument of Mr. Guha that the appeal needs to be reheard upon review is not acceptable to this Court.

The arguments advanced by Mr. Guha and the grounds taken in the review application do not in any manner establish any error whatsoever on the face of the record. It is also not a case that the review application has been preferred upon disclosure of new and important piece of evidence.

For the reasons discussed above, no interference is called for.

The review application, being RVW no.109 of 2023 and the connected application, being CAN 1 of 2023 are, accordingly, dismissed.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Raja Basu Chowdhury, J.) (Tapabrata Chakraborty, J.)