

STATE OF PUNJAB AND OTHERS
V/S
GULZAR SINGH

Present: Mr. Manu K. Bhandari, Advocate, and
Mr. Rohit Kataria, Advocate, for the applicant-respondent.

Mr. Rohit Bansal, Senior DAG, Punjab,
for non-applicant/State.

CM-3612-C-2022

As prayed for, the application is allowed.

Delay of 10 days in re-filing the review application is
condoned.

RA-RS-18-2022

Present review application has been filed for recalling the order
dated 09.02.2022 by which, the Regular Second Appeal filed by the State
was allowed by the Coordinate Bench of this Court.

Learned counsel for the applicant-respondent submits that the
interpretation which has been given to the judgment of this Court passed in
***RSA No. 168 of 1997 titled as State of Punjab and others vs. Gursewak
Singh, decided on 04.08.2005***, which judgment has already been upheld by
the Hon'ble Supreme Court of India, by the Coordinate Bench while
accepting the appeal of the State need re-consideration by the Court in the
present review petition.

I have heard learned counsel for the applicant-respondent and
have gone through the record with his able assistance.

The review petition can only be filed in case there is an error apparent on record. In case any incorrect fact has been taken into account while recording a finding, the same will give a right to a party to seek review of the said order whereas, interpretation of a judgment in a particular manner by the Court cannot be treated as error apparent on record. The view taken by a particular Court while interpreting a particular judgment, can give a right of appeal in case not satisfied with the view taken but same will not give a right to seek review on the ground that the interpretation of the judgment cited to support the claim should have been in a particular manner so as to favour the review applicant, hence, the grounds raised for review, in the facts and circumstances of the present case, so as to interpret the judgment of the Coordinate Bench in *Gursewak Singh's case (supra)* does not entitle the filing of the review petition. In case the review petitioner is aggrieved by the judgment in question, the only remedy available is to file an appeal.

Dismissed.

April 25, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE