

**CM-6539-CII-2015; CM-6538-CII-2015;
CM-6908-CII-2015 & RA-CR-73-CII-2015
in FAO-2508-1994**

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

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**CM-6539-CII-2015; CM-6538-CII-2015;
CM-6908-CII-2015 & RA-CR-73-CII-2015
in FAO-2508-1994**

Date of decision: 21.12.2023

Oriental Insurance Company Ltd.

....Appellant

Versus

Bachni Devi and Ors

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. B.R. Rana, Advocate for the applicant-respondent No.7

Mr. D.P. Gupta, Advocate for the non-applicant/appellant

AMAN CHAUDHARY. J.

1. The present application has been filed under Section 114 CPC for reviewing the order/judgment dated 21.02.2015 passed by this Court.
2. Learned counsel for review applicant/respondent No.7 submits that the register brought by the witness in pursuant to the application filed by the applicant-company for leading additional evidence of driving licence of the year 1988, related to two-wheelers and learners licences, whereas the one in question pertains to a heavy motor vehicle. Therefore, it is essential that the Registering and Licensing Authority, Kalpa at Reckong Peo, District Kinnaur, HP be impleaded as party-respondent, for which the application under Order I Rule 10 CPC has been filed. Further that the judgment be reviewed as the same suffered from infirmity by holding the said respondent liable instead of the Insurance Company.

3. On the other hand, learned counsel for the non-applicant/appellant opposes the prayer while placing reliance on the judgment of Hon'ble the Supreme Court in **Asharfi Devi (D) Thr. LRs. vs. State of U.P. and others** 2019 AIR (SC) 832, that review is not maintainable on the grounds as sought to be urged. Further that nothing has been brought on record to even prima facie show that multiple registers were being maintained by the Registering & Licensing Authority, Kalpa at Reckong Peo, District Kinnaur (H.P.), other than the one produced and a specific reference to which was made, in the affidavit of the official who appeared as a witness on orders of this Court, to whom also no such question regarding the same was put.

4. Heard learned counsel on either side and file perused.

5. By far the law as regards the scope and ambit of interference in review is concerned, it is settled to be rather limited and cannot be an appeal in disguise. Hon'ble the Supreme Court in **Sanjay Kumar Agarwal vs. State Tax Officer (1)**, 2023 SCC OnLine SC 1406, after considering a string of judgments culled out a gist of the decisions which read thus:

- “(i) A judgment is open to review *inter alia* if there is a mistake or an error apparent on the face of the record.
- (ii) A judgment pronounced by the Court is final, and departure from that principle is justified only when circumstances of a substantial and compelling character make it necessary to do so.
- (iii) An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of record justifying the court to exercise its power of review.
- (iv) In exercise of the jurisdiction under Order 47 Rule 1 CPC, it is not permissible for an erroneous decision to be “reheard and corrected.”

- (v) A Review Petition has a limited purpose and cannot be allowed to be “an appeal in disguise.”
- (vi) Under the guise of review, the petitioner cannot be permitted to reargue and reargue the questions which have already been addressed and decided.
- (vii) An error on the face of record must be such an error which, mere looking at the record should strike and it should not require any long-drawn process of reasoning on the points where there may conceivably be two opinions.
- (viii) Even the change in law or subsequent decision/judgment of a co-ordinate or larger Bench by itself cannot be regarded as a ground for review.”

6. Meaning to deal with the submission of the learned counsel for the review-applicant and to put the matter at rest, it is deemed apposite to refer to the affidavit dated 01.08.2013, of Mr. G.S. Negi s/o Lal Singh Negi, Superintendent Grade-II, the official summoned by this Court from the Registering & Licensing Authority, Kalpa, which reads thus:

- “1. That the deponent has brought the register with regard to issuance of driving licences by Registering and Licensing Authority (M.V.), Kalpa at Reckong Peo, District Kinnuar (H.P.) for the year 1988.
- 2. That as per the said record brought by me, no driving licence No. 77254 dated 14.10.1988 was issued in the name of Amarjit Singh S/o Darshan Singh.
- 3. That in the said year only 35 driving licences starting from No. SDK-1/88 to SDK-35/88 were issued from the Licensing Authority as per the record brought by me. In the said year, no driving licence was issued in the name of Amarjit Singh.
- 4. That in driving licences issued by the said Licensing Authority are with the suffix SDK.”

7. A perusal of para 1 aforesaid itself makes it more than evident that the official had brought the register regarding the issuance of driving licences by the said authority for the year 1988, as per which, no driving licence bearing No.77254 dated 14.10.1988 was ever issued in the name of Amarjit Singh son of Darshan Singh. Moreso, despite complete opportunity having been granted of his

cross-examination, no question was put to the witness, to discredit his testimony or to elicit response to any query. In wake of the above categoric stand, the submission by learned counsel for review-applicant-respondent No.7, that there were more than one registers, does not hold any water. This Court, thus, also finds no reason or justification to call for any additional record from the Licensing Authority or to probe the matter any further.

8. The learned Counsel for the review-applicant having also not been able to bring his case within the four corners of the parameters as laid down in the judgment afore-referred, could not persuade this Court to grant indulgence in these proceedings.

9. In overall premise and as a fall out of the above, the review application as also the application for impleadment deserve to and are hereby dismissed.

10. Pending applications, if any, are accordingly disposed of.

**(AMAN CHAUDHARY)
JUDGE**

21.12.2023
M.Kamra

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No