

209 RA-CW-220-2018 and CM-11922-CWP-2018 in
CWP-7470-2016

GHISU RAM
V/S
STATE OF HARYANA AND OTHERS

Present: Mr. Abhimanyu Batish, Advocate, for
Mr. Deepak Agnihotri, Advocate, for the applicant-petitioner.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

CM-11922-CWP-2018

As prayed for, the application is allowed.

RA-CW-220-2018

Present review application has been filed for reviewing the order dated 13.07.2018.

A bare perusal of the grounds raised in the review application, the same are in the nature of appeal rather than pointing out any factual error, which has occurred in the judgment dated 13.07.2018 so as to need a review.

In the garb of review, the applicant-petitioner intends to re-argue the writ petition, which is not permitted at all, keeping in view the settled principle of law in ***Civil Appeal No.5503-04 of 2022 titled as S. Madhusudhan Reddy vs. V. Narayana Reddy and others, decided on 18.08.2022.*** Relevant paragraph of the said judgment is as under:-

26. As can be seen from the above exposition of law, it has been consistently held by this Court in several judicial pronouncements that the Court's jurisdiction of review, is not the same as that of an appeal. A judgment can be open to review if there is a mistake or an error apparent on the face of the record, but an error that has to be detected by a process of reasoning, cannot be described as an error apparent on the face of the record for the Court to exercise its powers of review

under Order XLVII Rule 1 CPC. In the guise of exercising powers of review, the Court can correct a mistake but not substitute the view taken earlier merely because there is a possibility of taking two views in a matter. A judgment may also be open to review when any new or important matter of evidence has emerged after passing of the judgment, subject to the condition that such evidence was not within the knowledge of the party seeking review or could not be produced by it when the order was made despite undertaking an exercise of due diligence. There is a clear distinction between an erroneous decision as against an error apparent on the face of the record. An erroneous decision can be corrected by the Superior Court, however an error apparent on the face of the record can only be corrected by exercising review jurisdiction. Yet another circumstance referred to in Order XLVII Rule 1 for reviewing a judgment has been described as “for any other sufficient reason”. The said phrase has been explained to mean “a reason sufficient on grounds, at least analogous to those specified in the rule.”

On being asked to point out any factual error in the judgment dated 13.07.2018, learned counsel for the applicant-petitioner has not been able to point out any error, hence, no ground is made out for the review of the order dated 13.07.2018 in the facts and circumstances of the present case.

Dismissed.

August 10, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE