

5.8.2024  
ct.25, sl. 11&12

sk

WPA 8335 of 2022  
With  
RVW 68 of 2024  
(CAN 1/2024), (CAN 2/2024)  
Vaskar Nayek.--vs-The State of West Bengal & Ors.

**Mr. Shyamal Kr. Das**  
**Mr. Prasanta Kr. Banerjee**  
**...for the petitioner.**

**Mr. Shyamal Kr. Das**  
**Mr. Prasanta Kr. Banerjee**  
**Ms. Indrani Nandi**  
**...for the respondent/review applicant.**

**Mr. S.Pal Choudhury**  
**Ms. Tithi Paul**  
**Ms. Shilpi Paul**  
**...for the respondent Bank.**

**In re: CAN 1 of 2024.**

Application being CAN 1 of 2024 has been preferred by the original respondent in WPA 8335 of 2022 seeking review of this Court's order dated 11<sup>th</sup> August, 2023.

An application being CAN 1 of 2024 has been preferred to seek condonation of delay of 155 days in filing of said review application.

Learned advocates for the recalling applicant, as well as the opposite party therein/original writ petitioner, appear.

On behalf of the review petitioner, it has been pleaded firstly, that the Indian Bank having already merged with the Allahabad Bank, was required to be made a party and served with the copy of the writ petition, which has not been done in the present case.

Therefore, the respondent/bank was not represented before the Court when the matter was heard out.

Secondly, it has been submitted that another writ petition by the present opposite party/original writ petitioner is still pending in the Court. The petitioner has moved the instant writ petition by suppressing the said fact and as such the present writ petition would not be maintainable at all, the earlier case on the self-same cause of action, having been pending till now.

Learned advocate appearing for the original writ petitioner/opposite party in this review petition has submitted that the grounds taken in the review petition are not tenable in the eyes of law. It is submitted that the authorities of Indian Bank have been made parties in this original writ petition. Also that, the present writ petition is based on fresh cause of action and that there is no bar in filing a second writ petition on fresh cause of action.

The writ petition being No. WPA 8335 of 2022 has been disposed of by this Court by dint of order dated 11<sup>th</sup> August, 2023.

The above stated two grounds have been taken by the review petitioner regarding error of party as well as the pendency of the previous writ petition. However, both

are found to be inconsistent with the factual circumstances of the case.

It appears that the Indian Bank has been made a party in the said writ petition, which as a matter of fact, has not represented itself before the Court at the time of hearing.

It is a trite law that a review petition has a limited purpose and cannot be allowed to be an appeal in disguise. The power of review is distinct from the Court's power to hear appeals in appellate jurisdiction. The same shall be better understood by the words of the Supreme Court in ***M/s Northern India Caterers (India) Ltd. Vs. Lt. Governor of Delhi*** reported in **(1980) 2 SCC 167**, the relevant portion is quoted below:-

***“8. \*\*\*\*\* a party is not entitled to seek a review of a judgment delivered by this Court merely for the purpose of a rehearing and a fresh decision of the case. The normal principle is that 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. For instance, if the attention of the Court is not drawn to a material statutory provision during the original hearing, the Court will review its judgment. The Court may also reopen its judgment if a manifest wrong has been done and it is necessary to pass an order to do full and effective justice.”***

Since the scope of review of its own order by the Court is very limited, I do not find any sufficient grounds in CAN 2 of 2024 to entertain the same. Furthermore, the review petition having been filed at a belated stage,

that is after 155 days from the date of the order of this Court and the reasons for the same having not been sufficient, the Court finds no merit therein, to be allowed.

On the entire discussion as above, the Court does not find the reasons for preferring the review application, worthy of consideration.

Hence, both the petitions No. WPA 8335 of 2022 and RVW 68 of 2024, as above, are dismissed.

**(Rai Chattopadhyay, J.)**