

15.05.2024
sayandeep
Sl. No. 339
Ct. No. 04

RVW 68 of 2023
with
CAN 1 of 2023

Bikash Chakraborty
-Versus-
The Union of India & anr.

Mr. Tapan Roy

..... for the appellant

The instant application is taken out seeking to review the Judgment dated 14.08.2019 passed in connection with the appeal being FMAT 1183 of 2017 whereby and whereunder the compensation to the tune of Rs. 4,00,000/- was awarded to the claimant. It is sought to be contended that though there is no infirmity and/or illegality in the order but there is an omission to incorporate the interest over the amount of compensation so determined and, therefore, the order is sought to be modified to such extent.

The review jurisdiction is never meant for revisitation, re-hearing and/or re-writing of the Judgment but has to be exercised within the limited contour of provisions contained under Order 47 Rule 1 of the Code of Civil Procedure.

The scope of review is to be exercised within the limited compass more particularly when there is an error apparent on the face of the record which does not

require any roving enquiry in assimilating the facts on passing through the various pages of the voluminous papers. The review jurisdiction is never intended for the purpose of modification, clarification and/or recalling the order which are required to be decided on different parameters. The moment the Court delivered a Judgment on the basis of the provisions of the statute applicable in this regard providing a fixed amount of compensation to be awarded and does not find any provision relating to imposition of interest, the Judgment cannot be construed to suffer an error apparent on the face of the record.

A Judgment rendered by the **Union of India Vs. Radha Yadav** by the Apex Court reported in **(2019)3 SCC 410** is cited before us for the proposition that the Court should award the interest on the compensation. There is no quarrel to the proposition of law that the Court is bestowed with the power to grant interest on an amount determined for the purpose of compensation but such right is to be exercised in judicious manner and in the event the Court finds that the facts involved in the case does not warrant any interest to be awarded it cannot be perceived to contain the error apparent on the face of the record or to be modified after the same is delivered in open Court. The Court becomes *functus officio* after the disposal of the case except retaining limited powers but certainly not for incorporation of further reliefs which has been

consciously not included which does not come within the purview of the ministerial error or of like nature.

The application for review is thus dismissed without any order as to costs.

In view of the dismissal of the application for review, the connected application being CAN 1 of 2023 is also dismissed.

(Harish Tandon, J.)

(Madhuresh Prasad, J.)