

THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

+ Review I.A. No.1 of 2025

In

Writ Appeal No.1410 of 2024

% Dated 25.04.2025

Y.Ramakumari W/o Sri Vishnuvardhan Rao, age:
about 84 years, occ: Household R/o H.No.4-1-121-
149/A, V.S.T. Colony, Nacharam, Rangareddy
District (Old), Medchal Malkajgiri District (New).

....Petitioner

VERSUS

\$ A.R.Nagar Gudisevasulu Sangam, Arutla Ramchandra
Reddy Nagar, Near Vegetable Market, Kazipet,
Warangal District (Old), Hanmakonda District (New),
represented by its President P.Kamalakar Rao and
others.

... Respondents

! Counsel for Petitioner

: Sri Podila Hari Prasad

^ Counsel for Respondent No.1

: Sri Bommagani Prabhakar

Counsel for Respondent No.2

: Govt. Pleader for Revenue

< GIST:

> HEAD NOTE:

? CITATIONS:

1. 2018(2) ALD 211 (DB)
2. (2024) 2 SCC 362

**THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND**

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

**Review I.A. No.1 of 2025
In
Writ Appeal No.1410 of 2024**

ORDER: *(Per the Hon'ble Sri Justice J.Sreenivas Rao)*

The petitioner, who is the respondent No.1, in Writ Appeal No.1410 of 2024 filed this review application invoking the provisions under Order 47 Rule 1 read with Section 114 of the Code of Civil Procedure, 1908 (for short 'C.P.C.') seeking to review the order dated 20.12.2024 passed in the above Writ Appeal.

2. Heard Sri B. Mayur Reddy, learned Senior Counsel, representing Sri Podila Hari Prasad, learned counsel for the petitioner, and Sri Bommagani Prabhakar, learned counsel for respondent No.1 and learned Government Pleader for Revenue appearing for respondent Nos.2 to 5.

3. Learned Senior Counsel urged only one ground that respondent No.1 filed Writ Appeal No.1410 of 2024 aggrieved by the orders passed by the learned Single

Judge dated 19.04.2024 even without filing all the material documents relating to Writ Petition No.8871 of 2017 along with the writ appeal. Due to non-filing of the relevant documents, the Division Bench of this Court set aside the order passed by the learned Single Judge in the writ appeal. Hence the order passed by this Court is liable to be reviewed.

4. Learned counsel appearing on behalf of respondent No.1 submitted that this Court after hearing both the parties and after recording the contentions of respective parties rightly set aside the order passed by the learned Single Judge and disposed of the Writ Appeal granting liberty to the petitioner herein to approach the competent Civil Court seeking appropriate relief and the review petition filed by the petitioner is not maintainable under law and the same is liable to be dismissed.

5. Having considered the rival submissions made by the respective parties and after perusal of the material available on record including the impugned order dated 20.12.2024 passed by this Court, it clearly reveals that

after hearing the respective parties and after recording their submissions, this Court disposed of the writ appeal and set aside the order passed by the learned Single Judge. The petitioner has not raised any objection at the time of hearing the writ appeal, which was raised in the present review petition, on the other hand, proceeded the matter for disposal.

6. It is also pertinent to note that this Court set aside the impugned order passed by the learned Single Judge in the writ petition, on the ground that the petitioner herein filed the writ petition seeking direction against the official respondents to hand over the vacant physical possession of the subject property by evicting the members of respondent No.1-Sangam herein. This Court further observed that even according to the averments made by the petitioner in the writ petition that as on the date of filing of the writ petition, the subject property is in possession of the members of respondent No.1 herein and the petitioner is not entitled to seek for handing over the vacant possession of the subject property by invoking the jurisdiction of this

Court under Article 226 of the Constitution of India, which is summary in nature.

7. The impugned order clearly reveals that this Court recorded the submissions of the respective parties in para Nos.5 and 6 and given reasons in para Nos.7 to 9 and also the principles laid down by the Hon'ble Apex Court were mentioned in para Nos.10 and 11 of the impugned order. Hence, this Court is of the considered view that the petitioner is not entitled to seek review the order passed by this Court on the sole ground of respondent No.1 has not enclosed the relevant documents, which are filed in the writ petition, and the same is not comes within the ambit of Order 47 Rule 1 of C.P.C.

8. It is very much relevant to place on record that the Division Bench of this Court in **M. Ramulu v. Director Personnel**¹, while considering the judgment of the Hon'ble Supreme Court, specifically held that a party is not entitled to seek a review of judgment merely for the purpose of rehearing and fresh decision of case. A review petition cannot be equated with original hearing of case, nor can be treated as appeal in disguise. Finality of judgment delivered by Court will be

¹ 2018 (2) ALD 211 (DB)

reconsidered except where glaring omission or patent mistake or like grave error has crept in earlier by judicial ability.

9. The scope of review is well settled by the catena of decisions of the Hon'ble Supreme Court. In **Sanjay Kumar Agarwal v. State Tax Officer**², the Hon'ble Supreme Court has reiterated the scope of review as follows:

"16. The gist of the afore-stated decisions is that:

16.1. A judgment is open to review inter alia if there is a mistake or an error apparent on the face of the record.

16.2. 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.

16.3. 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.

16.4. In exercise of the jurisdiction under Order 47 Rule 1 Code of Civil Procedure, it is not permissible for an erroneous decision to be "reheard and corrected".

16.5. A Review Petition has a limited purpose and cannot be allowed to be "an appeal in disguise".

16.6. Under the guise of review, the petitioner cannot be permitted to reagitate and reargue the questions which have already been addressed and decided.

² (2024) 2 SCC 362

16.7. 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.

16.8. 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."

10. For the foregoing reasons, this Court does not find any error apparent on the face of record as enumerated under Order 47 Rule 1 read with Section 114 of C.P.C.

11. Accordingly, the review application fails and is hereby dismissed.

HACJ (SP,J)

JSR,J

Date: 25.04.2025

Note: L.R. copy to be marked.

B/o
pgp