

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

RA-CR No.48 of 2024 in
CR No.1158 of 2022
Date of Decision:18.04.2024

M/s Madan Lal Vishwa Mittar

... Review-Applicant-Petitioner

Versus

Vipan Kumar Mahajan & others

...Respondents

CORAM: HON’BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Argued by:- Mr. Puneet Jindal, Senior Advocate with
Ms. Malvi Aggarwal, Advocate,
for the review-applicant-petitioner

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MEENAKSHI I. MEHTA, J.

By way of the instant review-application, the review-applicant/
petitioner-Firm (here-in-after to be referred as ‘the review-applicant’) has
prayed for the review of the order passed by this Court on 07.02.2024 in the
revision-petition bearing **CR No.1158 of 2022.**

2. Shorn and short of unnecessary details, the facts, as emanating
from the perusal of the file and culminating in the filing of the present review-
application, are that the review-applicant had filed the afore-referred revision-
petition to assail the order (Annexure P-5) passed by learned Rent Controller-
cum-Civil Judge (Junior Division) Chandigarh on 08.09.2021 in ***Rent Petition
No.136 of 2019*** titled as ***“Vipin Kumar Mahajan vs. M/s Madan Lal Vishwa
Mitter etc”***, whereby its right to defend had been struck-off while observing
that it had appeared on 07.05.2019 but had failed to file its written-statement

and thus, it intended to delay the proceedings in the above-said Rent Petition. However, after hearing learned counsel for the review-applicant (petitioner) as well as learned counsel for respondent No.1-landlord, the afore-mentioned revision-petition was dismissed by this Court vide the order dated 07.02.2024.

3. I have heard learned Senior counsel for the review-applicant on the instant review-application, at the preliminary stage and have also gone through the file carefully.

4. Learned Senior counsel for the review-applicant has contended that in the above-referred Rent Petition as filed by respondent No.1-landlord, the review-applicant-Firm had been sued through its partners named Madan Lal and Vishwa Mittar whereas it (Firm) already stood dissolved in view of the retirement of Vishwa Mittar on 01.04.1992 and Madan Lal Mahajan had also expired on 05.11.2019, i.e shortly after having been served in the afore-said Rent Petition and then, an application had been moved for impleading his legal representatives but in the order as passed on 08.07.2021, the Rent Controller had erroneously observed that seven (07) effective opportunities were granted to the petitioner, i.e the review-applicant, for filing the written-statement and this error, being apparent on the record, deserves to be rectified by reviewing the order, handed down by this Court on 07.02.2024.

5. However, the above-raised contentions are devoid of any merit because throughout in the main revision-petition, there is not even a whisper about the afore-claimed dissolution of the review-applicant-Firm consequent upon the retirement of its partner named Vishwa Mittar and also regarding the above-alleged error in the order passed by the Rent Controller on 08.07.2021

and thus, the said order had not been challenged in the main revision-petition and it also does not find mention in the order dated 07.02.2024, as sought to be reviewed and in these circumstances, the afore-discussed pleas cannot be construed to be cogent and valid reason to review the above-referred order.

6. Moreover, while defining the scope of review, the Apex Court has recently observed in “Sanjay Kumar Agarwal vs. State Tax Officer (1) & Anr, Review Petition (Civil) No.1620 of 2023 in Civil Appeal No.1661 of 2020 decided on 31.10.2023” that “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 and a Review Petition has a limited purpose and cannot be allowed to be ‘an appeal in disguise’.”

7. As a sequel to the fore-going discussion, this Court is of the considered opinion that the Review-Application in hand is sans any merit and deserves dismissal. Resultantly, the same stands dismissed accordingly.

18.04.2024
seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No