

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(202)

RA-LP-10-2024 (O&M) in LPA-2230-2023

Decided on : 19.04.2024

Rajinder Paul

.....Review Applicant/Appellant(s)

Versus

State of Haryana & others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS.JUSTICE LAPITA BANERJI**

Present: Mr.Hari Krishan Sharma, Advocate
for the review applicant/appellant.

Mr.Deepak Balyan, Addl.A.G., Haryana.

G.S. Sandhawalia, Acting Chief Justice (Oral)

1. The present application has been filed for review of the order dated 27.02.2024 vide which the present appeal was dismissed.
2. Counsel for the review applicant/appellant has sought to argue the matter afresh on merits, which is not permissible in law, since the order was dictated in the open Court, which would be clear from the order itself. It has time and again held by the Apex Court that departure from the principle once a judgment is pronounced finally would be only when substantial and compelling circumstances would make it necessary to do so. The error has to be apparent on the face of the record and to be detected by the process of reasoning and self-evident and a review petition cannot be an appeal in disguise as has been laid down by the Apex Court in **Sanjay Kumar Agarwal Vs. State Tax Officer (1) & another, 2024 (2) SCC 362**. Relevant observations read as under:

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

- (i) A judgment is open to review inter alia if there is a mistake or an error apparent on the face of the record.
- (ii) 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.

- (iii)

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.
- (iv)

In exercise of the jurisdiction under Order 47 Rule 1 CPC, it is not permissible for an erroneous decision to be “reheard and corrected.”
- (v)

A Review Petition has a limited purpose and cannot be allowed to be “an appeal in disguise.”
- (vi)

Under the guise of review, the petitioner cannot be permitted to reargue and reargue the questions which have already been addressed and decided.
- (vii)

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.
- (viii)

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.”
3.

Thus, we are of the considered opinion that the present review application is misconceived and accordingly the same is dismissed.

(G.S. SANDHAWALIA)

ACTING CHIEF JUSTICE

(LAPITA BANERJI)

JUDGE

19.04.2024

Sailesh

Whether speaking/reasoned : Yes

Whether Reportable : No