

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101

2024.PHHC:085887-DB



RA-LP-15-2024 in LPA-1055-2024

RA-LP-14-2024 in LPA-1059-2024

Date of Decision: 05.07.2024

Rakesh Kumar

.....Petitioner(s)

Versus

Guru Jambheshwar University of Science and Technology and others

....Respondent(s)

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

Present: Mr. Shireesh Gupta, Advocate,
for the review applicant.

Mr. Puneet Gupta, Advocate,
and Mr. Ravindra Singh, Advocate,
for the non-applicant-respondent.

G.S.SANDHAWALIA, ACTING CHIEF JUSTICE (Oral)

1. The present order shall dispose of two review applications i.e. RA-LP-15-2024 in LPA-1055-2024 and RA-LP-14-2024 in LPA-1059-2024. The order dated 30.04.2024 whereby the main appeals were dismissed, which is sought to be reviewed, was dictated in open Court. The review has been filed by a counsel who was not associated with the earlier set of proceedings. It is settled law in *T.N. Electricity Board and another vs. N. Raju Reddiar and another, 1997 AIR (SC) 1005* that filing of review as such by a counsel who was not associated with the decision making which is sought to be reviewed is not to be entertained readily. The said observations read thus:-

unbecoming of worthy and conducive to the profession is cropping up. Mr. Mariaputham, Advocate-on-Record had filed vakalatnama for the petitioner-respondent when the special leave petition was filed. After the matter was disposed of, Mr. V. Balachandran, Advocate had filed a petition for review. That was also dismissed by this Court on April 24, 1996. Yet another advocate, Mr. S.U.K. Sagar, has now been engaged to file the present application styled as "application for clarification", on the specious plea that the order is not clear and unambiguous. When an appeal/special leave petition is dismissed, except in rare cases where error of law or fact is apparent on the record, no review can be filed; that too by the advocate on record who neither appeared nor was party in the main case. It is salutary to not that court spends valuable time in deciding a case. Review petition is not, and should not be, an attempt for hearing the matter again on merits. Unfortunately, it has become, in recent time, a practice to file such review petitions as a routine; that too, with change of counsel, without obtaining consent of the advocate on record at earlier stage. This is not conducive to healthy practice of the Bar which has the responsibility to maintain the salutary practice of profession. In Review Petition No.2670/96 in CA No.1867/92, a Bench of three Judges to which one of us, K. Ramaswamy, J., was a member, has held as under:

"The record of the appeal indicates that Shri Sudarsh Menon was heard and decided on merits. The Review Petition has been filed by Shri Prabir Chowdhury who was neither an arguing counsel when the appeal was heard nor was he present at the time of arguments. It is unknown on what basis he has written the grounds in the Review

Petition as if it is a rehearing of an appeal against our order. He did not confine to the scope of review. It would be not in the interest of the profession to permit such practice. That part, he has not obtained "No Objection Certificate" from the Advocate-on-Record in the appeal, in spite of the fact that Registry had informed him of the requirement for doing so. Filing of the "No Objection Certificate" would be the basis for him to come on record. Otherwise, the Advocate-on-Record is answerable to the Court. The failure to obtain the "No Objection Certificate" from the erstwhile counsel has dis-entitled him to file the Review Petition. Even otherwise, the Review Petition has no merits, It is an attempt to reargue the matter on merits. On these grounds, we dismiss the Review Petition".

2. Once the petition for review is dismissed, no application for clarification should be filed, much less with the change of the advocate-on-record. This practice of changing the advocates and filing repeated petitions should be deprecated with heavy had for purity of administration of law and salutary and healthy practice.

3. The application is dismissed with exemplary costs of Rs.20,000/- as it is an abuse of the process of court in derogation of healthy practice. The amount should be paid to the Supreme Court Legal Aid Services Committee within four months from today. If the amount is not paid, it should be recovered treating this direction as decree of the Court by the Supreme Court Legal Services Committee. The Registry is directed to communicate this order to the Supreme Court Legal Service Committee. The Registry is directed to

*communicate this order to the Supreme Court Legal Services
Committee. Application dismissed”*

2. Counsel has now tried to take us for fresh re-consideration of the issue where certain facts were not brought to the knowledge of the learned Single Judge. We have also noticed that the counsel was never present before the learned Single Judge, which we had also noticed in the order under review.
3. In such circumstances, we do not find any plausible reason to entertain the present review applications in respective letters patent appeals and the same stand dismissed.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

05.07.2024
shivani

(LAPITA BANERJI)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No