



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CM-13522-CWP-2021,
CM-18621-CWP-2021,
RA-CW-249-2020 in
CWP-9167-2020

Date of decision : 10.12.2024

Baljit Singh

....Applicant/Petitioner

V/S

State of Haryana and others

....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Yogesh Saini, Advocate for the applicant/petitioner.

Mr. Saurabh Mohunta, D.A.G., Haryana.

NAMIT KUMAR, J. (ORAL)

1. The present application has been filed by the applicant/petitioner under Order 47 Rule 1 read with Section 114 read with Section 151 of CPC for reviewing the order dated 30.10.2020 passed in the main case.

2. By filing the present review application, review applicant-petitioner wants to re-argue and reagitate the matter on the basis of the documents which were not even part of the main case, which cannot be permitted in law.

3. Even otherwise, instant review application has been filed through another counsel, who has filed his power of attorney with the application, who was neither arguing counsel nor was present at the time of passing of the order dated 30.10.2020 in Court.



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4. The Hon'ble Supreme Court has repeatedly deprecated the conduct of the parties of changing their counsel and filing review petitions. In ***T.N. Electricity Board & Anr. v. N. Raju Reddiar & another, (1997) 9 SCC 736*** it has been held as under: -

"1. It is a sad spectacle that new practice 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.



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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 re-argue 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 hand for purity of administration of law and salutary and healthy practice."

5. In view of the above, I do not find any merit in the present review application. Accordingly, the same is dismissed.

6. Pending application, if any, shall stands disposed of accordingly.

10.12.2024
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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No



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