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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

RA-CR-134-2024 IN
FAO-1929-2006
Date of Decision: 26.11.2024

Harbans Kaur

.....Appellant

Vs.

Darshan Lal and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present : Mr. Onkar Singh Batalvi, Advocate,
Mr. Piyush Goel, Advocate,
Mr. D.S.Batalvi, Advocate, and
Mr. Sourabh Kaushik, Advocate,
for the applicants/respondents No.1 and 2.

Ms. Simran, Advocate, for
Mr. Pradeep Goyal, Advocate,
for respondent No.4-Insurance Company.

SUDEEPTI SHARMA J. (ORAL)

The present review application has been filed by Mr. Onkar Singh Batalvi, Advocate, for reviewing the judgment dated 01.10.2024 passed by this Court in FAO-1929-2006, whereby Insurance Company was directed to deposit the enhanced amount of compensation along with interest with the learned Tribunal within a period of three months from the date of receipt of copy of the judgment with liberty to recover the said amount from respondents No.1 and 2 i.e. driver and owner of the offending vehicle.

2. In the present case, the review application has been filed by Mr. Onkar Singh Batalvi, Advocate, now representing on behalf of respondents No.1 and 2, who was neither the filing counsel nor he was present at the time



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of passing of the order dated 01.10.2024. Since the matter was argued at length by Mr. M.S.Bhatti, Advocate, counsel for respondents No.1 and 2, and the judgment was passed in his presence, therefore, the present review petition is not maintainable, as the present review application is not filed by the said counsel.

3. Hon'ble the Supreme Court has repeatedly deprecated the conduct of the parties of changing their counsel and filing review petitions. Support qua the same can be drawn from the judgment of the Supreme Court passed in **T.N. Electricity Board & Anr. Vs. N. Raju Reddiar & Anr. [(1997) 9 SCC 736]** wherein it has been held as under :

"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



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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 disentitled him to file the Review Petition. Even otherwise, the Review Petition has no merits. It is an attempt to reargue

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*the matter on merits. On these grounds, we dismiss
the Review Petition.”*

*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.”*

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

5. Pending application(s), if any, also stand disposed of.

**(SUDEEPTI SHARMA)
JUDGE**

26.11.2024
Virrendra

Whether speaking/non-speaking : Yes/No
Whether reportable : Yes/No