

2024:PHHC:023224

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

(1) **RA-CR No.119-CII of 2018 (O&M) in
CR No.403 of 2016**
Date of Decision: 20.02.2024

Union of India
.....Review-Applicant-Petitioner.

Versus

Fateh Singh (since deceased) through his LRs and others
.....Respondents.

(2) **RA-CR No.118-CII of 2018 (O&M) in
CR No.2168 of 2016**

Union of India
.....Review-Applicant-Petitioner.

Versus

Smt. Bhullan (since deceased) through her LRs and others
.....Respondents.

(3) **RA-CR No.125-CII of 2018 (O&M) in
CR No.2111 of 2016**

Union of India
.....Review-Applicant-Petitioner.

Versus

Baljeet Singh and others
.....Respondents.

(4) **RA-CR No.131-CII of 2018 (O&M) in
CR No.14 of 2017**

Union of India and another
.....Review-Applicants-Petitioners.

Versus

Ved Parkash Aggarwal and another
.....Respondents.

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Argued by:- Mr. Arun Gosain, Senior Panel Counsel
for the Review-Applicant(s)-Petitioner(s) in
all the four Review-Applications.

Mr. Anurag Jain, Advocate
for the LRs of respondents No.1 and 2 in
RA-CR No.119-CII of 2018 in CR No.403 of 2016
and for the LRs of respondent No.1 and for respondent No.2 in
RA-CR No.118-CII of 2018 in CR No.2168 of 2016
and for respondent No.1, LRs of respondent No.2 and
for respondent No.3 in RA-CR No.125-CII of 2018 in
CR No.2111 of 2016.

Mr. Kuldeep Khandelwal, Advocate
for respondent No.1 in RA-CR No.131-CII of 2018 in
CR No.14 of 2017.

Ms. Harsh Rekha Kapoor, AAG, Haryana
for respondents No.3 and 4 in
RA-CR No.119-CII of 2018 in CR No.403 of 2016 and
in RA-CR No.118-CII of 2018 in CR No.2168 of 2016 and
for respondents No.4 and 5 in
RA-CR No.125-CII of 2018 in CR No.2111 of 2016 and
for respondent No.2 in
RA-CR No.131-CII of 2018 in CR No.14 of 2017.

MEENAKSHI I. MEHTA, J.

All the four above-captioned Review-Applications are being
taken up together for discussion and adjudication as these have arisen out
of the common judgment passed by the Co-ordinate Bench on 08.12.2017.

2. As per the brief factual-matrix, emerging from the perusal of
the files and culminating in the filing of the present Review-Applications,
the Review-Applicant(s)-Petitioner(s)-UOI {here-in-after to be referred as
'the applicant(s)'} preferred the revision-petitions bearing the ***CR Nos.403,
2168 & 2111 of 2016*** and ***CR No.14 of 2017***, to lay challenge to the orders

handed down by learned Additional District Judge, Hisar on 21.11.2015 and 02.01.2016 in the Execution Petition (for short 'EP') No.799 of 2011, on 30.01.2016 and 12.02.2016 in EP No.99 of 2011, on 16.02.2016 in EP No.241 of 2011 and on 15.11.2016 in EP No.78 of 2014 respectively, directing the applicant(s) to pay the interest, on the amount of statutory benefits, to the respondents from the date of taking over the possession of the acquired land.

3. Vide the afore-mentioned common judgment as passed in ***CR No.403 of 2016***, the Co-ordinate Bench dismissed the above-said revision-petitions and held that the interest would be payable in terms of the verdict rendered by the Apex Court in ***Sunder versus Union of India, 2001(4) RCR (Civil) 727***, i.e with effect from the date of the dis-possession of the respondents. The afore-referred Review-Applications have been moved by the applicant(s) for seeking the review of the above-said judgment, on the ground that the interest on the amount of solatium was to be granted from the date of the judgment passed in ***Sunder (supra)***, i.e from 19.09.2001 and not from the date of dispossession from the property under acquisition.

4. I have heard learned Senior Panel Counsel for the Review-Applicant(s) and learned counsel for the respondents in the instant review-applications and have also gone through the files carefully.

5. A bare perusal of the afore-said judgment, as now sought to be reviewed, reveals that while handing down the above-referred verdict qua the relevant date for computing the interest on the amount of statutory benefits, the Co-ordinate Bench has discussed the factual as well as legal

aspects of the matter, as involved in the revision-petitions, in detail and has taken the case law, laid down by the Apex Court in **Gurpreet Singh versus Union of India, 2008(2) RCR (Civil) 2007, Sunder (supra)** and also the judgment passed by this Court on 03.02.2016 in **CR No.690 of 2016** titled as **Union of India versus Bhalla Ram and another,** into consideration .

6. In **Aribam Tuleshwar Sharma Vs. Aribam Pishak Sharma, 1979(4) SCC 389**, Hon'ble Supreme Court has categorically observed that *“the power of review may not be exercised on the ground that the decision was erroneous on merits as that would be the province of a Court of appeal and a power of review is not to be confused with the appellate power which may enable an appellate Court to correct all manner of errors committed by a Subordinate Court”*. To add to it, the Apex Court has held in **Kerala State Electricity Board Versus Hitesh Electrothermics and Hydropower Ltd. and others, 2005(6) SCC 651** that *“in a review petition, it is not open to the Court to re-appreciate the evidence and reach a different conclusion, even if that is possible and the appreciation of evidence on record is fully within the domain of the Appellate Court and if on appreciation of the evidence produced, the Court records a finding of fact and reaches a conclusion, that conclusion cannot be assailed in a review-petition unless it is shown that there is any error apparent on the face of the record or for some reason akin thereto”*. To cap it all, a three Judges' Bench of Hon'ble Supreme Court has recently observed in **S. Madhusudhan Reddy Versus V. Narayana Reddy and others, 2022 LiveLaw (SC) 685**, that *“a judgment can be open to review if there is a mistake or an error apparent on the face*

of the record but an error that has to be detected by a process of reasoning, cannot be described as an error apparent on the face of the record, for the Court to exercise its powers of review under Order XLVII Rule 1 CPC and in the guise of powers of review, the Court can correct a mistake but not substitute the view taken earlier, merely because there is a possibility of taking two views in a matter and a judgment may also be open to review when any new or important matter of evidence has emerged after passing of the judgment, subject to the condition that such evidence was not within the knowledge of the party seeking review or could not be produced by it when the order was made despite undertaking an exercise of due diligence and there is a clear distinction between an erroneous decision as against an error apparent on the face of the record and an erroneous decision can be corrected by the Superior Court, however, an error apparent on the face of the record can only be corrected by exercising review jurisdiction". In the light of the afore-cited observations, it becomes quite explicit that the the alleged error, as put-forth by the applicant(s) for seeking the review of the above-said judgment, can, by no stretch of imagination, be construed to be an error apparent on the face of the record and the same also does not pertain to any new evidence emerging after the passing of the judgment nor to the evidence, which the applicant(s) could not produce at the relevant time and hence, the present matter cannot be termed to be the one falling within the purview/ambit of the provisions of Order 47 Rule 1 CPC.

7. As a sequel to the fore-going discussion, it follows that all the four Review-Applications under reference are devoid of any merit and

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therefore, these deserve dismissal. Resultantly, the Review-Applications in hand stand dismissed accordingly.

February 20th, 2024
Yag Dutt

**(MEENAKSHI I. MEHTA)
JUDGE**

Whether speaking/reasoned: Yes
Whether Reportable: Yes