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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 7350/2016**

SUBHASH CHAND

.....Petitioner

Through: Mr. Raj Singh Phogat, Adv.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Nirvikar Verma, SPC with
Mr. Archana Kumari, Mr. G.S
Rathore, Mr. A.N. Choubey,
Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

% **17.01.2025**

REVIEW PET. 12/2025

1. The present Review Petition under Section 114 read with Order XLVII Rule 1 of the Code of Civil Procedure, 1908 (in short, 'CPC'), has been filed by the petitioner seeking a review of the Judgment dated 05.12.2024 passed by this Court.

2. By this Review Petition, the petitioner is, in fact, seeking a re-hearing of the petition, which does not fall within the scope of the above provisions. An appeal in form of a review petition cannot be filed. The Supreme Court, in *Sanjay Kumar Agarwal v. State Tax Officer & Anr.*, 2023 SCC OnLine SC 1406, laid down the limits of the review jurisdiction, as under: -

“16. The gist of the aforestated decisions is that:

16.1. A judgment is open to review inter alia if there is a mistake or an error apparent on the face of the record.



16.2. 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.

16.3. 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.

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

16.5. A review petition has a limited purpose and cannot be allowed to be “an appeal in disguise”.

16.6. Under the guise of review, the petitioner cannot be permitted to reagitate and reargue the questions which have already been addressed and decided.

16.7. 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.

16.8. Even the change in law or subsequent decision/judgment of a coordinate or larger Bench by itself cannot be regarded as a ground for review.”

3. The present Review Petition falls foul of the above parameters.
4. Accordingly, we find no merit in the present review petition.
5. The same is dismissed.

NAVIN CHAWLA, J

SHALINDER KAUR, J

JANUARY 17, 2025/SU/F/DG

Click here to check corrigendum, if any