HIGH COURT FOR THE STATE OF TELANGANA

MAIN CASE NO.: W.P.No.16660 OF 2006

PROCEEDINGS SHEET

Sl. No.	Date	ORDER	OFFICE NOTE
36.	11.02.2026	**MB,J & GPK,J** Ms.Varalakshmi Tadepalli, learned counsel appearing for the review petitioner. Mr.CH Ravinder, learned counsel appearing for the respondent No.1. **Review I.A.No.2 OF 2025** Heard Ms.Varalakshmi Tadepalli, learned counsel appearing for the review applicant and Mr.Ch. Ravinder, learned counsel appearing for the respondent No.1. The present Application is filed seeking review of the order dated 09.06.2025 passed by a Co-ordinate Bench of this Court dismissing W.P.No.16660 of 2006. The grounds raised in the review petition are that the dispute between the parties was never one relating to title, but was confined to the allegation of encroachment of land in Sy.No.696 by the owners of adjoining land in Sy.No.698. The Special Court and the Writ Court failed to notice or consider the material evidence, though it was prepared pursuant to judicial orders and incorporated into the record. This omission led to an erroneous finding that the respondents had encroached upon 1762 Square Yards, contrary to the binding findings of the Commissioner. The non-consideration of such documents, which directly addressed the sole controversy in issue, constitutes a patent error apparent on the face of the record.	

Further, under Order XXVI Rule 10 (2) of the Code of The Code of Civil Procedure, 1908 (CPC), the Commissioner's report, together with any plans, maps or evidence taken, shall be evidence in the suit and shall form part of the record unless the Court directs otherwise. Therefore, the Writ Court failed to consider the same.

Learned counsel appearing for the review applicant placed reliance upon the judgment of the Supreme Court in *Board of Control for Cricket, India Vs. Netaji Cricket Club* [(2005) 4 SCC 741], wherein the Supreme Court held that a mistake on the part of the Court which would include a mistake in the nature of the undertaking may also call for a review of the order. Learned counsel for the review applicant also relied on the judgment passed by the High Court of Allahabad in *Sri Krishna Banwari Lal Vs. Behari Lal Sri Krishna* (AIR 1964 All 516).

On the other hand, learned counsel appearing for the respondent No.1 submits that under the guise of a review, the proceedings cannot be reheard, and places reliance upon the judgment of the Supreme Court in *Shri Ram Sahu (dead) through Legal Representatives Vs. Vinod Kumar Rawat* [(2021) 13 SCC 1].

We have given earnest consideration to the pleadings of the review applicant as well as those of the respondent No.1.

As per Order XLVII Rule 1 of the CPC, the power of review can be exercised for the correction of a mistake, which is apparent on the face of the record, but not to substitute the view taken earlier. A Court will not sit in review of its own order since rehearing of the case under the guise of review is not permissible. Hence, the power of review is invoked only to correct grave and palpable errors.

The judgment of the Supreme Court in *Board of Control for Cricket, India Vs. Netaji Cricket Club* (supra) deals with a misconception of fact or law by a Court or even an Advocate, whereas in the judgment passed by the High Court of Allahabad *Sri Krishna Banwari Lal Vs. Behari Lal Sri Krishna* (supra), there is a specific finding that the Trial Court did not provide sufficient reasoning within the meaning of Order XLVII Rule 1 of the CPC.

Therefore, both the aforementioned decisions relied upon by the learned counsel for the review applicant do not apply to the facts of the present case.

Learned counsel appearing for the respondent No.1 also places reliance upon the judgment passed by the Hon'ble Supreme Court in ***Sanjay Kumar Agarwal v/s. State Tax Officer (1) and another*** [(2024) 2 SCC 362], wherein the Supreme Court had laid down the scope of the Review as under:

> *"(i) A judgment is open to review inter alia if there is a mistake or an error apparent on the face of the record.*
>
> *(ii) 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.*
>
> *(iii) 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.*
>
> *(iv) In exercise of the jurisdiction under Order 47 Rule 1CPC, it is not permissible for an*

erroneous decision to be "reheard and corrected".

(v) A review petition has a limited purpose and cannot be allowed to be "an appeal in disguise".

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

(vii) 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.

(viii) 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."

The order under review dated 09.06.2025 does not fall within any of the aforesaid categories laid down by the Hon'ble Supreme Court.

Learned counsel for the respondent No.1 also relied on the recent judgment of the Supreme Court in *Malleeswari Vs. K. Suguna* [2025 SCC OnLine SC 1927], wherein it was held that the review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order XLVII Rule 1 of the C.P.C.

It is evident that both the Judges of the Co-ordinate Bench, who passed the order under review, have been transferred to High Courts in other States, and the review applicant is attempting to take a chance to reargue the matter under the guise of the review application.

For the foregoing reasons, we are of the view that the order dated 09.06.2025 passed in W.P.No.16660 of 2006 neither suffers from any infirmity nor any error apparent on the face of record warranting review of the said order.

Review I.A.No.2 of 2025 is accordingly dismissed.

MB,J

GPK,J

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