

HIGH COURT FOR THE STATE OF TELANGANA

MAIN CASE: CRP.Nos.3788 of 2018 and 1221 of 2019

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
	18.06.2025	<u>SKS, J</u> <u>I.A.No.2 of 2025</u> These applications are filed in respective CRPs., praying this Court to review common order dated 20.02.2025 passed by this Court in CRP.Nos.3788 of 2018 and 1221 of 2019. The brief facts of the cases are that the petitioner/plaintiff filed O.S.No.330 of 2017 before the Principal District Judge, Ranga Reddy District, along with two interlocutory applications vide I.A.Nos.228 and 229 of 2015 seeking to implead respondent Nos.2 and 3, including the Greater Hyderabad Municipal Corporation (GHMC), as additional defendants, and to amend the plaint to include a prayer for mandatory injunction against respondent No.1. The trial Court <i>vide</i> order dated 17.03.2018, dismissed both applications on the ground that the proposed parties were neither necessary nor proper for adjudication of the dispute, as the petitioner did not seek any specific relief against them.	

		Aggrieved by the said orders of the trial Court, the petitioner preferred these CRPs., contending that the presence of GHMC was crucial for effective adjudication and enforcement of any future relief, and that its exclusion could lead to multiplicity of litigation. The respondents opposed the petitions contending that the proposed parties had no direct role in the dispute and were not subject to any claims in the suit. Upon hearing both sides and examining the record, this Court affirmed the view expressed by the trial Court, observing that the petitioner must first prove his case against respondent No.1 before seeking any consequential relief. As such, this Court dismissed both revision petitions vide impugned common order dated 20.02.2025. Being aggrieved by dismissal of CRPs., these review applications are filed by petitioner/review petitioner/plaintiff. Heard Sri S.Agasthya Sharma, learned counsel for review petitioner, and Sri A.Manohar Reddy, learned counsel for respondents, in both the matters. Learned counsel for review petitioner submitted that the impugned common order is flawed due to non-consideration of reported judgments relied upon by the	
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		petitioner, specifically, the judgments rendered in the cases of AIR 2001 SC 699, 2020 (5) ALD 212 (TS), and a Division Bench judgment in CMA Nos.527/2017, 564/2017, and 607/2017 & batch, filed along with the Re-open Petition, were not considered. He contended that subsequent events and developments were not considered as notably, the petitioner sold an extent of 150 sq. yds., in favor of proposed respondent No.2, who expired during the pendency of the revision petition. Thereafter, an LR., petition was filed, and the legal representative, P. Ravindra Babu, was brought on record, and the sale deed bearing Doc. No. 11750/2019 was filed by the said LR., along with a counter affidavit. He reiterated that non-consideration of these crucial documents and the settled legal position constitutes an error apparent on the face of the record. Therefore, prayed this Court to review the impugned common order. On the other hand, learned counsel for respondents, vehemently opposed the submissions made by learned counsel for petitioner stating that there are no irregularities or infirmities in the impugned common	
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		order, as such, prayed the Court to dismiss the review petition. Having regard to the rival submissions made and on going through the material placed on record, at this juncture, it is imperative to note down the scope of review. At the outset, a review petition in civil matters is governed by Order XLVII, Rule 1 of CPC and Article 137 of the Constitution (for cases before the Hon'ble Supreme Court), allowing a Court to review its judgment only on limited grounds, viz., (i) discovery of new and important evidence, (ii) error apparent on the face of the record, and (iii) any other sufficient reason. In other words, a review cannot be used as an appeal or reconsideration of the case on merits. Further, the Order XLVII Rule 1 of CPC does not limit the remedy of review only to the parties to the judgment under review, and even a third party to the proceedings, if he/she considers himself/herself to be an "aggrieved person", may take recourse to the remedy of review petition. The only quintessence is that the person should be aggrieved by the judgment and order passed by this Court in some respect. Further, the limitations on exercise of the power of review are well settled, the first and foremost	
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		requirement of entertaining a review petition is that the order under review suffers from any error apparent on the face of the order and permitting the order to stand will lead to failure of justice. In the absence of any such error, finality attached to the judgment/order cannot be disturbed. In addition, the Hon'ble Supreme Court in the case of Sanjay Kumar Agarwal v. State Tax Officer and Others¹ held as under: “9. In the words of Krishna Iyer J., (as his Lordship then was) “a plea of review, unless the first judicial view is manifestly distorted, is like asking for the Moon. A forensic defeat cannot be avenged by an invitation to have a second look, hopeful of discovery of flaws and reversal of result. A review in the counsel's mentation cannot repair the verdict once given. So, the law laid down must rest in peace.” [Northern India Caterers (India) Ltd. v. State (UT of Delhi), (1980) 2 SCC 167] 10. It is also well-settled that a party is not entitled to seek a review of a judgment delivered by this Court merely for the purpose of a rehearing and a fresh decision of the case. The normal principle is that 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. [Sajjan Singh v. State of Rajasthan, 1964 SCC OnLine SC 25 : AIR	
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¹ 2024 2 SCC 362

		1965 SC 845] 11. In Parsion Devi v. Sumitri Devi [Parsion Devi v. Sumitri Devi, (1997) 8 SCC 715] , this Court made very pivotal observations : (SCC p. 719, para 9) “9. Under Order 47 Rule 1CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. 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 the record justifying the court to exercise its power of review under Order 47 Rule 1CPC. In exercise of the jurisdiction under Order 47 Rule 1CPC it is not permissible for an erroneous decision to be “reheard and corrected”. A review petition, it must be remembered has a limited purpose and cannot be allowed to be “an appeal in disguise”.” (emphasis supplied) 12. Again, in Shanti Conductors (P) Ltd. v. Assam SEB [Shanti Conductors (P) Ltd. v. Assam SEB, (2020) 2 SCC 677 : (2020) 2 SCC (Civ) 788] , a three-Judge Bench of this Court following Parsion Devi v. Sumitri Devi [Parsion Devi v. Sumitri Devi, (1997) 8 SCC 715] dismissed the review petitions holding that the scope of review is limited and under the guise of review, the petitioner cannot be permitted to reagitate and reargue the questions which have already been addressed and decided. 13. Recently, in Shri Ram Sahu v. Vinod Kumar Rawat [Shri Ram Sahu v. Vinod Kumar Rawat, (2021) 13 SCC 1: (2023) 2 SCC (Civ) 686] , this Court	
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		restated the law with regard to the scope of review under Section 114 read with Order 47CPC. 14. In Arun Dev Upadhyaya v. Integrated Sales Service Ltd. [Arun Dev Upadhyaya v. Integrated Sales Service Ltd., (2023) 8 SCC 11 : (2023) 4 SCC (Civ) 123] , this Court reiterated the law and held that : (SCC p. 21, para 35) “35. From the above, it is evident that a power to review cannot be exercised as an appellate power and has to be strictly confined to the scope and ambit of Order 47 Rule 1CPC. 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.” From the above extracted portion, it is clear that the scope of a review petition in civil matters is extremely limited and cannot serve as a substitute for an appeal. The Hon'ble Supreme Court in the case of Sanjay Kumar Agarwal (supra 2) along with other landmark cases, as referred in the above extracted portion, (Northern India Caterers, Parsion Devi, Shanti Conductors, Shri Ram Sahu, and Arun Dev Upadhyaya), has consistently held that a review is permissible only in cases of an error apparent on the face of the record, discovery of new evidence, or any other sufficient reason under Order 47 Rule 1 CPC. Emphasis was laid on the subject that a review is not meant for rearguing the case or reconsidering	
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	its merits, and in the case of Arun Dev Upadhyaya the Court reaffirmed that an error must be self-evident and not require elaborate reasoning. Thus, a review petition cannot function as an appeal in disguise and is allowed only in rare and compelling circumstances. As per the above extracted portion, it is clear that the grounds to entertain a review petition are (i) discovery of new and important evidence, (ii) error apparent on the face of the record, and (iii) if any other sufficient reason, are met. Reverting to the facts of the cases on hand, as explicitly recorded in paragraphs 9 and 10 of the common order dated 20.02.2025, the principal issue for adjudication was whether the proposed respondents, namely, the President of the Welfare Association and the Greater Hyderabad Municipal Corporation (GHMC) constituted necessary or proper parties for the effective adjudication of the suit of the petitioners. This Court, upon application of well-settled legal principles, held that in the absence of any relief claimed against the proposed respondent No.2, his presence was not indispensable for determining the issues in controversy. Likewise, the Court found that the relief sought against GHMC, pertaining to demolition, was merely consequential, and would arise, if	
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		at all, only upon adjudication of the primary rights of the petitioner, vis-à-vis the existing respondent No.1. Accordingly, GHMC was rightly held to be neither a necessary nor a proper party at the present stage of the proceedings. The petitioners' plea that one of the proposed respondents (respondent No.2) had purchased land from the petitioner, and that his legal representative had since been brought on record following his demise, does not in any manner alter the legal complexion of the matter. The foundational reasoning of the Court was that no independent or substantive relief was sought against the said purchaser, and hence, his impleadment was not essential. This factual development, even if assumed to be true, does not render the original reasoning erroneous or unsustainable in law. Equally unconvincing is the contention that this Court failed to consider certain judgments relied upon by the review petitioners. The order under review reflects a correct application of the governing legal tests for impleadment-namely, whether the proposed party is necessary for a complete and final adjudication of the dispute. Even assuming that certain authorities were not expressly referred to, such omission cannot by itself constitute an "error apparent" unless it is shown to have	
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		resulted in manifest injustice-which is not the case here. Upon due consideration of the grounds urged in the present review petitions, as well as, a careful perusal of the record, this Court is not persuaded that the petitioners have made out any case for interference by way of review. There is no demonstrable "error apparent on the face of the record" that would attract the jurisdiction of this Court under Order XLVII Rule 1 of the Code of Civil Procedure. In light of the foregoing, this Court finds no merit in the review petitions. The common order dated 20.02.2025 passed in C.R.P. Nos. 3788 of 2018 and 1221 of 2019 does not suffer from any legal infirmity, jurisdictional error, or mistake apparent on the face of the record so as to warrant interference by way of review. Accordingly, these Review Petitions are dismissed. <u>SKS,J</u> PT	
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