



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

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**CM-7865-CWP-2025 in
RA-CW-238-2025 in
CWP-26543-2014
Date of Decision: 17.11.2025**

Arvind Kharita**....Petitioner**

Versus

State of Haryana and others**....Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. D.V.Sharma, Advocate with
Ms. Balpreet Kaur Sidhu, Advocate and
Ms. Shivani Sharma, Advocate
for the applicant/petitioner.

Ms. Anu Pal, Additional Advocate General, Haryana.

Harsimran Singh Sethi, J. (Oral)

1. The present review application has been filed for recalling the order dated 21.04.2025 by which, the writ petition CWP-26543-2014 (Annexure RA-1) was dismissed.

2. The Learned Senior Counsel appearing on behalf of the review applicant/petitioner argues that certain facts which were brought to the notice of the Court has not been appreciated in a manner required keeping in view the fact that there were certain constructions on the acquired land which was earlier exempted but, while passing the impugned order dated 21.04.2025, the said fact has not been appreciated by the Co-ordinate Bench in a manner required, which will give right to the review applicant to seek the review of



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the impugned order dated 21.04.2025 by which, the writ petition filed by the petitioner was dismissed.

3. We have heard the Learned Senior Counsel for the review applicant/petitioner and have gone through the record with his able assistance.

4. It may be noticed that the jurisdiction in the review is very narrow and the same can only be exercised in case any wrong fact has been taken into account to arrive at a conclusion or when there is mistake/error apparent on record. In the present case, despite giving due opportunity to the Learned Senior Counsel for the review applicant/ petitioner to point out any incorrect fact taken into consideration to arrive at conclusion, the Learned Senior Counsel has not been able to point out any such incorrect fact relied upon by the Division Bench of this Court while passing the judgment dated 21.04.2025.

5. The only argument raised by the Learned Senior Counsel for the review applicant/petitioner is that the facts on record have not been appreciated in a manner required. In case, a view of the review applicant/ petitioner is that that the order dated 21.04.2025 is incorrect, then the same will only give rise to appeal and not to the review.

6. As per the settled principle of law, the incorrect findings cannot be challenged by way of review petition and the only remedy in the said aspect available is appeal. Further, it is also a settled principle of law that in case even the incorrect fact is being based upon lengthy argument to contend the said incorrect fact, review will not be permissible.

7. As per settled principle of law, under the garb of review petition,



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the review-applicants cannot be allowed to re-argue the case as the review Court cannot sit in appeal over its own decision. Reliance can be placed upon the judgment of Hon'ble Supreme Court of India in **Civil Appeal Nos.1167-1170 of 2023 titled as S. Murali Sundaram vs. Jothibai Kannan and others decided on 24.02.2023**. Relevant paragraph of the said judgment is as under:-

“5.1 While considering the aforesaid issue two decisions of this Court on Order 47 Rule 1 read with Section 114 CPC are required to be referred to? In the case of Perry Kansagra (supra) this Court has observed that while exercising the review jurisdiction in an application under Order 47 Rule 1 read with Section 114 CPC, the Review Court does not sit in appeal over its own order. It is observed that a rehearing of the matter is impermissible in law. It is further observed that review is not appeal in disguise. It is observed that power of review can be exercised for correction of a mistake but not to substitute a view. Such powers can be exercised within the limits of the statute dealing with the exercise of power. It is further observed that it is wholly unjustified and exhibits a tendency to rewrite a judgment by which the controversy has been finally decided. After considering catena of decisions on exercise of review powers and principles relating to exercise of review jurisdiction under Order 47 Rule 1 CPC this Court had summed upon as under:

- (i) Review proceedings are not by way of appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 CPC.*
- (ii) Power of review may be exercised when some mistake or error apparent on the fact of record is found. But error on the face of record must be such an error which must strike one on mere looking at the record and would not require any longdrawn*



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process of reasoning on the points where there may conceivably be two opinions.

- (iii) *Power of review may not be exercised on the ground that the decision was erroneous on merits.*
- (iv) *Power of review can also be exercised for any sufficient reason which is wide enough to include a misconception of fact or law by a court or even an advocate.*
- (v) *An application for review may be necessitated by way of invoking the doctrine actus curiae neminem gravabit.”*

8. Further, the Hon’ble Supreme Court of India in ***Aribam Tuleshwar Sharma vs. Aribam Prishak Sharma, (1979) 4 SCC 389*** has been held that it is only on discovery of new and important matter which after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when order was made, the remedy of review may be exercised however, a review petition cannot be filed on the ground that decision was erroneous on merits as the same will be province of a Court of appeal. Relevant paragraph of the judgment is as under:-

“3. The Judicial Commissioner gave two reasons for reviewing his predecessor's order. The first was that his predecessor had overlooked two important documents Exs. A-1 and A-3 which showed that the respondents were in possession of the sites even in the year 1948-49 and that the grants must have been made even by then. The second was that there was a patent illegality in permitting the appellant to question, in a single writ petition, settlement made in favour of different respondents. We



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are afraid that neither of the reasons mentioned by the learned Judicial Commissioner constitutes a ground for review. It is true as observed by this Court in Shivdeo Singh v. State of Punjab [AIR 1963 SC 1909] there is nothing in Article 226 of the Constitution to preclude a High Court from exercising the power of review which inheres in every court of plenary jurisdiction to prevent miscarriage of justice or to correct grave and palpable errors committed by it. But, there are definitive limits to the exercise of the power of review. The power of review may be exercised on the discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent on the face of the record is found; it may also be exercised on any analogous ground. But, it may not be exercised on the ground that the decision was erroneous on merits. That would be the province of a court of appeal. A power of review is not to be confused with appellate powers which may enable an appellate court to correct all manner of errors committed by the subordinate court."

9. While deciding the same issue of review, the Hon'ble Supreme Court of India in **Parison Devi vs. Sumitri Devi (1997) 8 SCC 715** held that 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 exercise of power of review. Hon'ble Supreme Court of India held that review petition cannot be filed for an erroneous decision to be reheard and corrected and the said review petition cannot be an appeal in disguise. Relevant paragraph of the judgment is as under:-



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“9. Under Order 47 Rule 1 CPC 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 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 O Order 47 Rule 1 CPC. In exercise of the jurisdiction under Order 47 Rule 1 CPC 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"."

10. The said decision has already been followed by this Court in ***Paramjit Singh through LRs vs. Gurdial Singh and others, 2022 SCC Online P&H 1637***. Relevant paragraph of the judgment is as under:-

"The counsel has further in his arguments sought to raise the points of self-contradictions self contradictions and self self defeating stands and which could not be taken into consideration in a review application and it is well settled law as has sought to be relied upon by counsel for the respondent who has cited the judgments titled as 'Sasi (D) Through Lrs. v. Aravindakshan Nair' (2017) 2 RCR (Civil) 363 and 'Parsion Devi v. Sumitri Devi' (1997) 4 RCR (Civil) 458 458;; where the Apex Court has laid down that a review cannot be allowed to be disguised as an appeal for getting an erroneous decision reheard and corrected and has to be used within the ambit of Order 47 Rule 1 CPC to rectify any error patent on the records instead of assailing the orders on the appeals by this Court before the next Court the instant review has come about for a motivated cause. Since, this Court cannot come across any mistake or an error apparent on the records which could be self evident and any such



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interpretation that is sought to be put forth by the counsel for the applicant by process of reasoning cannot be considered at this juncture."

11. Recently Hon'ble Supreme Court of India in ***Shri Ram Sahu (Dead) through Legal Representatives and others vs. Vinod Kumar Rawat and others (2021) 13 SCC 1***, held as under:-

"6. The limitations on exercise of the power of review are well settled. The first and foremost require requirement of entertaining a review petition is that the order, review of which is sought, 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 attached to the judgment/order cannot be disturbed."

9. The power of review can also be exercised by the court in the event discovery of new and important matter or evidence takes place which despite exercise of due diligence was not within the knowledge of th the e applicant or could not be produced by him at the time when the order was made. An application for review would also lie if the order has been passed on account of some mistake. Furthermore, an application for review shall also lie for any other sufficient sufficient reason.

10. It is beyond any doubt or dispute that the review court does not sit in appeal over its own order. A rehearing of the matter is impermissible in law. It constitutes an exception to the general rule that once a judgment is signed or pronounced, it should not be altered. It is also trite that pronounced, exercise of inherent jurisdiction is not invoked for reviewing any order.

11. Review is not appeal in disguise. In Lily Thomas v. Union of India [Lily Thomas v. Union of India, (2000) 6 SCC 224 :2000 SCC (Cri) 1056] this Court held : (SCC p. 251, para 56)



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'56. It follows, therefore, that the power of review can be exercised for correction of a mistake but not to substitute a view. Such powers can be exercised within the limits of the statute dealing with the exercise of power. The review cannot be treated like an appeal in disguise.' "

8. The dictionary meaning of the word "review" is "the act of looking, offer something again with a view to correction or improvement". It cannot be denied that the review is the creation of a statute. In *v. Pradyumansinghji Arjunsinghji*, (1971) 3 SCC 844], this Court has held that the power of review is not an inherent power. It must be conferred by law either specifically or by necessary implication. The review is also not an appeal in disguise. *Patel Narshi Thakershi v. Pradyumansinghji Arjunsinghji* [Patel Narshi Thakershi.

9. What can be said to be an error apparent on the face of the proceedings has been dealt with and considered by this Court in *v. T. Nagappa*, AIR 1954 SC 440]. It is held that such an error is an error which is a patent error and not a mere wrong decision. *T.C. Basappa v. T. Nagappa* [T.C. Basappa on. In *Hari Vishnu Kamath v. Syed Ahmad Ishaque* [Hari Vishnu Kamath v. Syed Ahmad Ishaque, (1955) 1 SCR 110 11044: AIR 1955 SC 233], it is observed as under: (SCC p. 244, para 23)."

12. Keeping in view of the above, as the effort of the Learned Senior Counsel for the review applicant/petitioner is to readdress the argument to convince this Court in review to arrive at different conclusion at the one arrived at by the Co-ordinate Bench of this Court while passing the impugned order dated 21.04.2025, the review cannot be the mode. Further, the only argument of the Learned Senior Counsel for the review applicant/petitioner is that the impugned order is incorrect hence, the only remedy available is appeal



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rather than review.

13. The Learned Senior Counsel for the review applicant/petitioner submits that the purpose for which the acquisition has been done, has not been appreciated by the Division Bench as, the purpose for acquisition has already been achieved before the acquisition.

14. It may be noticed that that again the said argument is that the impugned order dated 21.04.2025 is incorrect, for which, only the appeal will lie and not the review.

15. No other argument has been raised.

16. Keeping in view the facts and circumstances noticed hereinbefore, coupled with the settled principle of law as noticed hereinabove, the present review petitions are dismissed.

17. Pending applications, if any, also stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

November 17, 2025
Varinder

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No