

CM-9241-C of 2024 in/and
RA-RS-39 of 2024 in RSA-679 of 2023

2025:PHHC:006111



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

CM-9241-C of 2024 in/and
RA-RS-39 of 2024 in RSA-679 of 2023
Date of decision: 15.01.2025

Rajender Singh

.....Applicant-Appellant

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Rajender Singh, applicant-appellant in person.

Ms. Gaganpreet Kaur, AAG, Haryana.

NAMIT KUMAR, J.

1. This review application has been filed by the applicant-appellant under Order XLVII Rules 1 and 2 and Section 114 read with Section 151 CPC for review of order dated 04.07.2024 passed by this Court in RSA-679 of 2023.

2. During the course of arguments, applicant-appellant intended to re-argue the main case, which is not the scope of review application.

3. The Hon'ble Supreme Court in *Sanjay Kumar Aggarwal versus State Tax Officer & another and connected matters, (2024) 2*

SCC 362, while examining the scope of review, has held as under:-



“ 16. *The gist of the afore-stated decisions is that: -*

- (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 1 CPC, 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 co-ordinate or larger Bench by itself cannot be regarded as a ground for review. ”*

4. To the same effect are the judgments passed by the Hon'ble Supreme Court in '**Tamilnadu Terminated Full Time Temporary LIC Employees Association versus S.K. Roy, the**

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Chairman, Life Insurance Corporation of India and another' 2016 (4) SCT 288, and in 'State of West Bengal and others versus Kamal Sengupta and another' 2008 (8) SCC 612.

5. Since, learned review-applicant-appellant has not been able to make out a case of any mistake or error apparent on the face of record in the impugned judgment and to bring the case within the parameters laid down by Hon'ble Apex Court in “*Sanjay Kumar Aggarwal* ” case (*Supra*) and findings recorded in '*Kamal Sen Gupta*' and '*S.K. Roy, the Chairman LIC*' cases (*Supra*), therefore, this Court is of the opinion that the well-considered judgment sought to be reviewed does not fall within the scope and ambit of review and consequently the present review application is hereby dismissed.

6. Since main review application has been dismissed, therefore, no orders are required to be passed in the application seeking condonation of delay in filing the review application.

15.01.2025
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No