

RA-CW-578-2025, CM-18505-CWP-2025 in -1- 2025:PHHC:175379
CWP-32978-2025 (O/M)

127 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RA-CW-578-2025, CM-18505-CWP-2025 in
CWP-32978-2025 (O/M)
Date of decision : 12.12.2025

Balraj Petitioner
Versus

The Commissioner, Karnal Division, Karnal and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Govind Chauhan, Advocate
for review-applicant.

Ms. Upasana Dhawan, AAG Haryana.
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HARSH BUNGER, J. (ORAL)
RA-CW-578-2025

1. This application has been filed under Order 47 Rule 1 read with Section 151 CPC, seeking review of order dated 07.11.2025, passed by this Court in CWP-32978-2025.

2. The instant application has been filed in pursuance to liberty granted to review-applicant by learned LPA Bench, vide order dated 28.11.2025, passed in LPA-3431-2025, the relevant extract of which reads as under :-

“1. After arguing for sometimes, learned counsel for the appellant submits that the documents which were not there before the learned Single Judge, have been made basis for denying relief to the appellant qua their argument that the land has been partitioned beyond the entitlement whereas now the said document has been procured, hence, the present appeal may kindly be disposed of having been not pressed any further with liberty to file review before the learned Single Judge.

- 2. *Ordered accordingly.*
- 3. *Pending application(s), if any, stands disposed of.”*

3. In reference to the submissions made by learned counsel for review-applicant before learned LPA Bench, learned counsel has read paras 5 and 6 of judgment under review to contend that the argument raised on behalf of review-applicant that respondents No. 3 to 6 (in the writ petition), have been allotted more land than their due entitlement and that review-applicant (petitioner) has been allotted land less than his entitlement, was rejected by this Court on the plea that review-applicant had failed to show Naksha 'Alif'. It is further submitted that review-applicant has now attached copy of Naksha 'Alif' with instant review application as Annexure A-2, therefore, judgment dated 07.11.2025, passed by this Court in CWP-32978-2025, may be reviewed.

4. Heard.

5. A perusal of Naksha 'Alif' (Annexure A-2) attached with review application would show that review-applicant (Balraj) is shown to have entitlement of 5 Kanal – 16 Marla and his brother Sandeep is shown to have entitlement of 5 Kanal – 17 Marla, therefore, review-applicant (Balraj) alongwith his brother (Sandeep) are jointly entitled to 11 Kanal – 13 Marla land, whereas respondents No. 3 to 6 (in the writ petition) were jointly entitled to following area :-

<u>Sr. No.</u>	<u>Name of co-owner</u>	<u>Entitlement</u>
1.	Jagmehender son of Ramsavroop	2 Kanal – 15 Marla
2.	Mukesh wife of Jagmehender	8 Kanal – 0 Marla
3.	Parveen son of Jagmehender	4 Kanal – 0 Marla
4.	Sachin son of Jagmehender	4 Kanal – 0 Marla

5.1 Respondents No. 3 to 6 in the writ petition (partition applicant) were jointly entitled to 18 Kanal – 15 Marla area, whereas in the final partition and as per sanad takseem (Annexure P-11 of writ petition), respondents No. 3 to 6 have been jointly allotted 18 Kanal – 13 Marla only, therefore, it cannot be said that respondents No. 3 to 6 have been allocated land more than their entitlement.

5.2 On the other hand, review-applicant (Balraj) alongwith his brother Sandeep are jointly entitled to 11 Kanal – 13 Marla and as per final order of partition/sanad takseem, review-applicant (Balraj) alongwith his brother Sandeep are jointly shown to be the co-owners to the extent of 463/4238 share in balance area i.e. 105 Kanal – 19 Marla, (which has been kept joint amongst co-sharers), which works out to be about 11 Kanal – 12 Marla.

5.3 It is further borne out from Sanad Takseem (Annexure P-11) that 13 Marla area has been utilized for providing passage within the land under partition in the light of Clause 7 of mode of partition and on account of said fact, the proportionate cut on the shareholding of the co-sharers has been imposed.

6. Furthermore, it is well established that partition can never be carried out with mathematical precision and some adjustments are always required to be made considering various factors like number of co-sharers in the joint land, shape of the land parcel under partition, location of land (whether abutting the road/passage or near to village abadi or town etc.), nature/value of land, source of irrigation, existing possession of the

parties, provisioning of passage(s)/water-course(s), construction of hutments/houses etc. There may be other factors as well.

7. Furthermore, Hon'ble the Supreme Court of India in the case of “*Sanjay Kumar Agarwal Versus State Tax Officer (I)*”, 2023 AIR (Supreme Court) 5636, while considering the scope of review of a judgment, has observed 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 re-agitate 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...”

8. No other point was argued.

9. Considering the totality of circumstances, I find no merit in this review application and same is accordingly dismissed.

10. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

12.12.2025
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No