

145            **FOOD CORPORATION OF INDIA AND OTHERS**  
                 **VS**  
                 **JASWANT LAL**

Present:       Mr. Anurag Jain, Advocate  
                 for the review applicants/appellants.

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1.            The present review application is filed for reviewing judgment dated 11.11.2025 passed by this Court in Regular Second Appeal No.3878 of 2013.

2.            Learned counsel for the applicants/appellants contends that the contentions of the applicants/appellant regarding non-entitlement of stagnation have been recorded by this Court but no finding has been returned on the same. Further, Food Corporation of India is not liable to pay the pension as per the provisions of Employees' Pension Scheme. He relies upon judgment passed by Hon'ble Supreme Court in **Girdhari Lal Gupta, Vs. D.N. Mehta and another, 1971(3) SCC 189** to support his contention.

3.            I have heard learned counsel for the applicants/appellants.

4.            A perusal of the judgment dated 11.11.2025 passed by this Court shows that all the contentions of the parties as such are recorded and judgment and decree dated 07.04.2012 passed by Civil Judge (Jr. Division), Patiala, and judgment and decree dated 10.04.2013 passed by learned Additional District Judge (Fast Track Court), Patiala, are upheld as per issues framed in the civil suit.

5.            A bare reading of the review application shows that review applicants in the garb of present review application is asking for rehearing of the Regular Second Appeal No.3878 of 2013.

6. So far as the judgment as cited by learned counsel for the applicants/appellants is concerned, the facts of the present review application are distinguishable since the present regular second appeal is decided on the basis of the issues framed in the civil suit.

7. The principles as regards the scope and extent of review jurisdiction of the Court, have been summarized by the Hon'ble Supreme Court in **Kamlesh Verma v. Mayawati and others 2013 (8) SCC 320** and were reiterated by this Court as well, in the case of **Columbia Holdings Pvt Ltd and others v. State of Haryana and others RA-CW-357 of 2015**. The principles set out as regards scope and extent of review jurisdiction in various judicial precedents may be summarized as follows:-

A. Exercise of review jurisdiction is called for only in cases where one of the following grounds exists:

- (i) When there is discovery of new and important matter or evidence, subject to the fulfillment of the following conditions:-
  - a. new matter/evidence discovered is of such nature which could change the judgment.
  - b. such new matter/evidence was not within the knowledge of the party seeking review
  - c. same could not be produced before court even after due diligence
- (ii) When mistake or error apparent on the face of the record.
- (iii) When there exists "any other sufficient reason", which is interpreted as analogous to the aforesaid two grounds.

B. The review jurisdiction is not exercisable on following grounds:-

- (i) Only a "patent error" and not a "mere wrong decision" can be said to be an error apparent on the face of record.
- (ii) Review is not maintainable unless the material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice.
- (iii) The error apparent on the face of the record should not be an error which has to be fished out and searched.
- (iv) If a matter is required to be first reheard and then corrected, it would be an appeal under the guise of review
- (v) A repetition of old and overruled argument is not enough to reopen concluded adjudications.
- (vi) The power of review is to be exercised for "correction of mistake" and not for "substitution of view". Substitution of view would be the province of an appellate court.
- (vii) Merely because a document which was forming part of the record was not considered at the time of deciding the case cannot be categorized as a mistake or error apparent on the face of record.
- (viii) A review is by no means an appeal in disguise whereby an erroneous decision is re-heard and corrected but lies only for patent error.
- (ix) The mere possibility of two views on the subject cannot be a ground for review.
- (x) The appreciation of evidence on record is fully within the domain of the appellate court, it cannot be permitted to be advanced in the review petition.
- (xi) Review is not maintainable when the same relief sought at the time of arguing the main matter had been negatived.

(xii) Failure to argue a point at the time of hearing of the matter by the court, is also not a ground for seeking review as it would be a case where the existing material was overlooked by counsel and not a case of excusable misfortune or mistake.

8. Justice Krishna Iyer, in **Northern India caterers (India) Ltd. v. Lt. Governor of Delhi 1980 (2) SCC 167**, while highlighting the limited scope of review of judgement observed as under:

***"A plea for review, unless the first judicial view is manifestly distorted, is like asking for the moon".***

9. In "**Shri Ram Sahu (dead) through legal representatives and others v. Vinod Kumar Rawat and others**" reported in (2021) 13 Supreme Court Cases 1, the Hon'ble Apex Court considered the scope and ambit of the Court's power to review under Section 114 read with Order 47 Rule 1 of the CPC and held that the power to review was not an inherent power of the Court. It must be conferred by law either specifically or by necessary implication. A review cannot be an appeal in disguise. A re-hearing of the matter is impermissible in law. It is beyond doubt or dispute that the review Court does not sit in appeal over its own order. It only constitutes an *exception to the general Rule* that once a judgment is signed and pronounced it should not be altered.

10. Under Order 47 Rule 1 CPC, the Court can review its decision on the following grounds:

"1. Application for review of judgment:-

1. Any person considering himself aggrieved-

a. By a decree or order from which an appeal is allowed, but from which no appeal has been preferred,

- b. By a decree or order from which no appeal is allowed, or
  - c. By a decision on reference from a Court of small causes, and who from the discovery of new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order.
2. A party who is not appealing from a decree or order may apply for a review of judgment notwithstanding the pendency of an appeal by some other party except where the ground of such appeal is common to the applicant and the appellant, or when being respondent he can present to the appellate court the case on which he applies for the review.”
11. The expression “*any other sufficient reason*” has to be interpreted in the light of other specific grounds. An erroneous decision/order cannot be corrected in the guise of exercise of power of review.
12. The principles culled out in “***Gopal Singh v. State Cadre Forest Officers Assn.***” reported in (2007) 9 SCC 369, are reproduced herein below:

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- (i) The power of the Tribunal to review its order/decision under Section 22(3)(f) of the Act is akin/analogous to the power of a civil Court under Section 114 read with Order 47 Rule 1 CPC.

- (ii) The Tribunal can review its decision on either of the grounds enumerated in Order 47 Rule 1 and not otherwise.
- (iii) The expression "any other sufficient reason" appearing in Order 47 Rule 1 has to be interpreted in the light of other specified grounds.
- (iv) An error which is not self-evident and which can be discovered by a long process of reasoning, cannot be treated as an error apparent on the face of record justifying exercise of power under Section 22(3)(f).
- (v) An erroneous order/decision cannot be corrected in the guise of exercise of power of review.
- (vi) A decision/order cannot be reviewed under Section 22(3)(f) on the basis of subsequent decision/judgment of a coordinate or larger Bench of the Tribunal or of a superior Court.
- (vii) While considering an application for review, the Tribunal must confine its adjudication with reference to material which was available at the time of initial decision. The happening of some subsequent event or development cannot be taken note of for declaring the initial order/ decision as vitiated by an error apparent.
- (viii) Mere discovery of new or important matter or evidence is not sufficient ground for review. The party seeking review has also to show that such matter or evidence was not within its knowledge and even after the exercise of due diligence, the same could not be produced before the Court/Tribunal earlier."

13. In "***Aribam Tuleshwar Sharma v. Aribam Pishak Sharma***" reported in (1979) 4 SCC 389, it has been observed by Apex Court as under:

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3.... It is true as observed by this Court in *Shivdev Singh v. State of Punjab* 10, 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.

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14. In the recent judgment of Apex Court in “*Sanjay Kumar Agarwal v. State Tax Officer (1) and another*” reported in (2024) 2 Supreme Court Cases 362, it has again been reiterated that a party was not entitled to seek a review merely for the purpose of re-hearing. The relevant extract thereof is reproduced herein below:

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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.

11. In **Parsion Devi v. Sumitri Devi**, this Court made very pivotal observations: (SCC p. 719, para 9)

"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 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 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". (emphasis supplied)

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15. Hon’ble the Supreme Court in its recent judgment passed in **“Malleeswari Vs. K.Suguna and another”** reported in 2025 SCC Online SC 1927, has held as under:-

*“ 15. It is axiomatic that the right of appeal cannot be assumed unless expressly conferred by the statute or the rules having the force of a statute. The review jurisdiction cannot be assumed unless it is conferred by law on the authority or the Court. Section 114 and Order 47, Rule 1 of CPC deal with the power of review of the courts. The power of review is different from appellate power and*



*is subject to the following limitations to maintain the finality of judicial decisions:*

*15.1 The review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47, Rule 1 of CPC.*

*15.2 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.*

*15.3 In exercise of the jurisdiction under Order 47, Rule 1 of 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.*

*15.4 The power of review can be exercised for the correction of a mistake, but not to substitute a view. Such powers can be exercised within the limits specified in the statute governing the exercise of power.*

*15.5 The review court does not sit in appeal over its own order. A rehearing of the matter is impermissible. It constitutes an exception to the general rule that once a judgment is signed or pronounced, it should not be altered. Hence, it is invoked only to prevent a miscarriage of justice or to correct grave and palpable errors.*

*16. To wit, through a review application, an apparent error of fact or law is intimated to the court, but no extra*

*reasoning is undertaken to explain the said error. The intimation of error at the first blush enables the court to correct apparent errors instead of the higher court correcting such errors. At both the above stages, detailed reasoning is not warranted.*

*17. Having noticed the distinction between the power of review and appellate power, we restate the power and scope of review jurisdiction. Review grounds are summed up as follows:*

*17.1 The ground of discovery of new and important matter or evidence is a ground available if it is demonstrated that, despite the exercise of due diligence, this evidence was not within their knowledge or could not be produced by the party at the time, the original decree or order was passed.*

*17.2 Mistake or error apparent on the face of the record may be invoked if there is something more than a mere error, and it must be the one which is manifest on the face of the record. Such an error is a patent error and not a mere wrong decision. An error which has to be established by a long-drawn process of reasoning on points where there may conceivably be two opinions can hardly be said to be an error apparent on the face of the record.*

*17.3 Lastly, the phrase 'for any other sufficient reason' means a reason that is sufficient on grounds at least analogous to those specified in the other two categories.”*

16. In view of the above referred to judgments, no ground for review is made out. Accordingly, the same is **dismissed**.

December 22, 2025  
*Ayub/Saahil*

(SUDEEPTI SHARMA)  
JUDGE