



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

MISC. CIVIL APPLICATION NO. 68 OF 2024

IN

WRIT PETITION NO. 4445 OF 2021 (D)

(Pandurang S/o Karuji Titarmare

Vs.

Government of Maharashtra, Thr. its Secretary, Agriculture Department,
Mantralaya, Mumbai – 400032 & Ors.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. R.M. Sharma, Advocate for the Applicant/Petitioner.

Mr. M.J. Khan, AGP for the Non-applicants-Respondents/State.

**CORAM: URMILA JOSHI-PHALKE AND
MRS. VRUSHALI V. JOSHI, JJ.**

DATED : 24th APRIL, 2026

1. By this Application, the Applicant is seeking review of the order passed in Writ Petition No. 4445/2021 dated 10.11.2023 contending that while considering the Petition of the present Applicant the backwages are paid for the period from 07.12.2006 to 30.11.2013, however the interest was not paid to the Petitioner. It is submitted by the learned Counsel for the Applicant that, it is an error apparent on the face of record, and therefore, the review Application deserves to be allowed.

2. *Per contra*, learned AGP strongly objected for the same and submitted that, there is no provision for payment of

interest in view of Rule 71 of the Maharashtra Civil Services Rules, 1981, and therefore, the Application deserves to be rejected.

3. On perusal of the Application itself in para 3 which shows that, the pleading of the Applicant that the prayer of the interest was not brought to the knowledge of the Court, as a result of which, while deciding the Petition the aspect of grant of interest was not addressed. The point of interest was not argued also. This itself sufficient to show that, claim of interest was neither pointed nor argued.

4. The law regarding review is well settled.

5. In ***Meera Bhanja Vs. Nirmala Kumari Choudhury***, (1995)1 SCC 1780, it was held as under:

“It is well settled law that the review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order XLVII, Rule 1, CPC. In connection with the limitation of the powers of the Court under Order XLVII, Rule 1, while dealing with similar jurisdiction available to the High Court while seeking to review the orders under Article 226 of the Constitution of India, this Court, in the case of Aribam Tuleshwar Sharma v. Aribam Pishak Sharma speaking through Chinnappa Reddy, J. has made the following pertinent observations:

“It is true there is nothing in Article 226 of the Constitution to preclude the 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 be exercise of the power of review. The power of review may be exercised on the discovery of new and important matter of 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 merit. That would be in the province of a court of appeal. A power of review is not to be confused with appellate power which may enable an appellate Court to correct all manner of error committed by the Subordinate Court.

A perusal of the Order XLVII, Rule 1 show that review of a judgment or an order could be sought : (a) from the discovery of new and important matters or evidence which after the exercise of due diligence was not within the knowledge of the applicant; (b) such important matter or evidence could not be produced by the applicant at the time when the decree was passed or order made; and (c) on account of some mistake or error apparent on the face of record or any other sufficient reason.

*Thus, an application for review would lie inter alia when the order suffers from an error apparent on the face of record and permitting the same to continue would lead to failure of justice. The power of review can also be exercised by the Court on the discovery of new and important matter of 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. An application for review would also lie if the order is passed on account of some mistake. It is well settled that reviewing Court is not an appellate court over its own order. Thus, the powers of review can be exercised for correction of mistake and such powers can be exercised within the limits of the statutes. The term 'mistake' or 'error' apparent is discussed by the Honourable Apex Court in the case of **State of West Bengal & Ors. Vs. Kamal Sengupta and another [(2008)8 SCC 612] [LQ/SC/2008/1329]** and observed that the term 'mistake or error apparent' by its very connotation signifies an error which is evident per se from the record of the case and does not require detailed examination, scrutiny and elucidation either of the facts or the legal position. If an error is not self-evident and detection thereof requires long debate and process of reasoning, it cannot be treated as an error apparent on the face of the record for the purpose of Order 47 Rule 1 CPC or Section 22(3)(f) of the Act. To put it differently an order or decision or judgment*

cannot be corrected merely because it is erroneous in law or on the ground that a different view could have been taken by the Court/Tribunal on a point of fact or law.”

6. In view of the ratio laid down in catena of decisions, the ground raised by the Applicant is not covered under the error apparent on the face of record, and therefore, we do not find any merits in the Application. Hence, the Application is hereby **rejected**.

7. Pending application/s, if any, shall stand disposed of accordingly.

(VRUSHALI V. JOSHI, J.)

(URMILA JOSHI-PHALKE, J.)