HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

REVIEW PETITION NO.359 OF 2025

BETWEEN:

1. SMT KAMALAMMA
W/O LATE D NARASINGAIAH
AGED ABOUT 67 YEARS
R/O NO.159-E, 17TH CROSS,
MAGADI CHORD ROAD
VIJAYANAGAR
BANGALORE – 560 040.

2. RUKMINI
D/O LATE D NARASINGAIAH
AGED ABOUT 40 YEARS
R/O NO.159-E, 17TH CROSS,
MAGADI CHORD ROAD
VIJAYANAGAR, BANGALORE – 560 040.

…PETITIONERS

(BY SRI. AJAY KADKOL T., ADVOCATE)

Digitally signed by CHANDANA B M
Location: High Court of Karnataka

AND:

1. M/S SRINIVASA ENTERPRISES
NO.619-0, 2ND CROSS,
RAJAJINAGAR,
BENGALURU-10,
REPRESENTED BY ITS
MANAGING PARTNER,
SRI. G. DAYANAND, S/O. LATE T. GIRIYAPPA,
AGED ABOUT 50 YEARS.

2. MR. RAGU
D/O. LATE D. NARASINGIAH,
AGED ABOUT 37 YEARS,
R/AT NO.159-E, 17TH CROSS,
MAGADI CHORD ROAD, VIJAYANAGAR,
BANGALORE-560 040.

…RESPONDENTS

THIS RP IS FILED UNDER ORDER 47 RULE 1 R/W SEC.114 OF CPC, PRAYING TO PASS AN ORDER REVIEWING THE IMPUGNED JUDGMENT DATED 27.05.2024 PASSED BY THIS HON'BLE COURT IN RFA NO.456 OF 2018, WHICH IS PRODUCED AS ANNEXURE - A AND/OR PASS AN ORDER UPHOLDING THE JUDGMENT DATED 07.12.2017 PASSED BY THE VII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BANGALORE IN OS NO.928 OF 1998, WHICH IS PRODUCED AS ANNEXURE - D.

THIS PETITION, COMING ON FOR *ORDERS*, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

This review petition is directed against the judgment and decree dated 27.05.2024 passed in RFA No.456/2018 whereby the said appeal preferred by respondent No.1 was allowed by this Court.

2. Heard learned counsel for the review petitioners and perused the material on record.

3. Along with the review petition, petitioners have filed an application – I.A.1/2025 under Section 5 of the Limitation Act, seeking condonation of delay of 246 days in preferring the review petition. In this context, it is pertinent to note that the Affidavit filed by the petitioner No.1 does not make out valid or sufficient grounds for the purpose of seeking condonation of delay and as such, the

long, unexplained and inordinate delay and latches of more than 246 days cannot be condoned at the instance of the review petitioners and consequently, I am of the view that there no merit in the application – I.A.1/2025, which is accordingly hereby dismissed.

4. I have also given my anxious consideration to the submissions on merits made by the learned counsel for review petitioners and perused the material on record including the impugned judgment and decree in the light of the decisions of the Apex Court in ***(i) Shri Ram Sahu vs. Vinod Kumar Rawat – Civil Appeal No.3601/2020 dated 03.11.2020, (ii) S.Murali Sundaram vs. Jothibai Kannan – (2023) SCC Online SC 185 (iii) S.Madhusudhan Reddy vs. V.Narayana Reddy – Civil Appeal Nos.5503-04/2022 dated 18.08.2022*** and the recent judgment of the Apex Court in the case of ***(iv) Sanjay Kumar Agarwal vs. State Tax Officer –2023 SCC Online SC 1406,*** wherein it is 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.

5. Upon consideration of the entire material on record, I do not find any illegality or infirmity in the impugned judgment and decree nor does it suffer from any error apparent on the face of the

record warranting interference by this Court under Section 114 r/w Order 47 Rule 1 of CPC, as held in the aforesaid judgments of the Apex Court.

6. In view of the foregoing reasons, the review petition is devoid of merits and also barred by delay and the same is hereby ***dismissed***.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE

SV
List No.: 2 Sl No.: 24