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

**RA-CW No.8 of 2024 (O&M) in
CWP No.25196 of 2023
Date of Decision: 20.03.2026**

Hardev Singh and others

..... Applicants

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Puneet Kumar Bansal, Advocate
for the applicant-petitioners.

Mr. K. D. Sachdeva, DAG, Punjab.

Mr. Umesh Kumar Kanwar, Advocate
for respondents No.3, 5 to 9, 11, 14 and 15.

RAJESH BHARDWAJ, J. (ORAL)

1. Instant application has been filed praying for review of the order dated 08.11.2023 passed by this Hon'ble Court whereby the main writ petition bearing CWP No.25196 of 2023 was dismissed.

2. The main civil writ petition filed by the petitioners was dismissed by this Court vide order dated 08.11.2023 and it was observed that the proper procedure for completing the partition proceedings was followed by the authorities.



3. The petitioners have now approached this Court by way of filing the present review application praying for review of the order dated 08.11.2023 passed by this Court in CWP-25196-2023.

4. Learned counsel for the applicant-petitioners has submitted that the order passed by this Hon'ble Court in the main petition bearing CWP-25196-2023 deserves to be reviewed because lesser land is given to the applicant-petitioner (along with other joint holders) in their joint khewat than their ownership. He has submitted that after deducting the share of the land, the land allotted to the petitioners should have been 49 Kanals 15 Marlas but in the final partition, the total land given to the petitioners is 43 Kanals 6 Marlas. He has submitted that total 26 Marlas cut has been imposed on the petitioners. He has further submitted that one of the share holder, namely, Balvir Kaur had already sold land more than her ownership and this fact is also recorded in Jamabandi. He has submitted that despite the fact that Balvir Kaur was having no ownership left with her, she was shown as joint land holder along with the present petitioners and thus, it is not possible to impose any cut of land on her. He has submitted that prejudice has been caused to the applicants-petitioners in case the order dated 08.11.2023 is not reviewed.

5. Learned counsel for the State as well as learned counsel for private respondents have opposed the submissions made by learned counsel for the applicants-petitioners. He has further submitted that the LPA bearing No.2114 of 2023 filed by the petitioners against the order



dated 08.11.2023 has already been withdrawn by this Court vide order 20.12.2023.

6. Heard.

7. Hon'ble the Supreme Court of India and this Court has time and again held that once a judicial order has been passed considering the merits, it could not be recalled under inherent jurisdiction except to correct clerical errors, accidental mistakes or any new evidence was apparent on the face of the record. A perusal of the case file and order dated 08.11.2023 would show that this Court had heard both the counsel for the parties and after perusing the material on record has passed the detailed order and dismissed the petition filed by the petitioners. It was also observed in the order that the petitioners filed their objections before the respondent authorities, which were duly appreciated and declined. It has further been mentioned that the petitioners never raised any objection to Naksha URA and also did not file any objections to amended Naksha and mode of partition and thus, the same was approved and sanad taksim was issued. Thus, finding that proper procedure was followed by the authorities for conducting the partition of land, the petition, being devoid of any merit, was dismissed. Appeal bearing LPA No.2114 of 2023 filed by the petitioners against the order dated 08.11.2023 passed by this Court in the main petition was dismissed as withdrawn vide order dated 20.12.2023 with liberty to file the review application against the same. The ground raised herein in the review application were already available to the petitioners and were duly appreciated.



8. Hon'ble the Supreme Court in '**S. Murali Sundaram vs. Jothibai Kanna and others**', 2023(2) RCR (Civil) 111 has held as under:

"5. At the outset, it is required to be noted that by the impugned judgment and order the High Court has allowed the review application filed under Order 47 Rule 1 CPC and has set aside the judgment and order dated 03.03.2017 passed in Writ Petition No.8606 of 2010. While allowing the review application the High Court has observed and held that the earlier judgment and order dated 03.03.2017 in Writ Petition No.8606 of 2010 was erroneous. Therefore, question which is posed before this Court for consideration is whether in the facts and circumstances of the case the High Court is justified in allowing the review application filed under Order 47 Rule 1 CPC and setting aside the reasoned judgment and order passed in main writ petition?"

*5.1 While considering the aforesaid issue two decisions of this Court on Order 47 Rule 1 read with Section 114 CPC are required to be referred to? In the case of Perry Kansagra (supra) this Court has observed that while exercising the review jurisdiction in an application under Order 47 Rule 1 read with Section 114 CPC, the Review Court does not sit in appeal over its own order. It is observed that a rehearing of the matter is impermissible in law. It is further observed that review is not appeal in disguise. It is observed that power of review can be exercised for correction of a mistake but not to substitute a view. Such powers can be exercised within the limits of the statute dealing with the exercise of power. It is further observed that it is wholly unjustified and exhibits a tendency to rewrite a judgment by which the controversy has been finally decided. **After considering catena of decisions on exercise of review***



powers and principles relating to exercise of review jurisdiction under Order 47 Rule 1 CPC this Court had summed upon as under:

- (i) Review proceedings are not by way of appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 CPC.*
- (ii) Power of review may be exercised when some mistake or error apparent on the fact of record is found. But error on the face of record must be such an error which must strike one on mere looking at the record and would not require any longdrawn process of reasoning on the points where there may conceivably be two opinions.*
- (iii) Power of review may not be exercised on the ground that the decision was erroneous on merits.*
- (iv) Power of review can also be exercised for any sufficient reason which is wide enough to include a misconception of fact or law by a court or even an advocate.*
- (v) An application for review may be necessitated by way of invoking the doctrine actus curiae neminem gravabit.”*

5.2 It is further observed in the said decision that an error which is required to be detected by a process of reasoning can hardly be said to be an error on the face of the record.

5.3 In the case of Shanti Conductors (P) Ltd. (supra), it is observed and held that scope of review under Order 47 Rule 1 CPC read with Section 114 CPC is limited and under the guise of review, the petitioner cannot be permitted to reagitate and reargue questions which have already been addressed and decided. It is further observed that 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 under Order



47 Rule 1 CPC. 5.3 Applying the law laid down by this Court in the aforesaid two decisions to the facts of the case on hand, we are of the opinion that in the present case while allowing the review application and setting aside the judgment and order dated 03.03.2017 passed in Writ Petition No.8606 of 2010 the High Court has exceeded in its jurisdiction and has exercised the jurisdiction not vested in it while exercising the review jurisdiction under Order 47 Rule 1 read with Section 114 CPC. From the reasoning given by the High Court, it appears that according to the High Court the judgment and order passed in Writ Petition No.8606 of 2010 was erroneous. While passing the impugned judgment and order the High Court has observed and considered the Survey Report dated 12.12.2007 which was already dealt with by the High Court while deciding the main writ petition and the High Court discarded and/or not considered the Survey Report dated 12.12.2007. Once the Survey Report dated 12.12.2007 fell for consideration before the High Court while deciding the main writ petition thereafter the same could not have been considered again by the High Court while deciding the review application.

5.4 From the impugned judgment and order passed by the High Court it appears that the High Court has decided the review application as if the High Court was exercising the appellate jurisdiction against the judgment and order dated 03.03.2017 passed in Writ Petition (MD) No.8606 of 2010 which is wholly impermissible while considering the review application under Order 47 Rule 1 read with [Section 114 CPC](#).”

9. In view of the facts and circumstances of the present case, this Court does not find any ground which would warrant the review of order dated 08.11.2023 passed by this Court in the main petition bearing



CWP-25196-2023. Hence, the present review application being devoid of any merit is hereby dismissed as there is no error in the order apparent on the face of record. Pending applications, bearing CM-10064-CWP-2024, CM-13579-CWP-2024, CM-386-CWP-2024 and CM-387-CWP-2024 also stands dismissed.

20.03.2026

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Whether speaking/reasoned
Whether reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No