



**CM-5698-CWP-2026 in/and
RA-CW-192-2026 in
CWP-6559-2025**

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

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**CM-5698-CWP-2026 in/and
RA-CW-192-2026 in
CWP-6559-2025
Date of decision: 22.04.2026**

**Jagroop Singh (since deceased) through his LR
Gurmeet Singh**

....Review Applicant/Petitioner

Vs.

Financial Commissioner, Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Swaran S. Tiwana, Advocate
for the applicants/petitioners.

Mr. Nirmaljit Singh Diwana, Sr. DAG, Punjab.

HARSH BUNGER J. (Oral)

CM-5698-CWP-2026 in RA-CW-192-2026:

Present application is filed seeking condonation of delay of 78 days in filing the instant review application i.e. RA-CW-192-2026.

For the reasons mentioned in the application, delay of 78 days in filing the instant review application i.e. RA-CW- 192-2026 is condoned.

Application is accordingly disposed of.



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RA-CW-192-2026:

By way of the present review application, the applicant/petitioner seek a review of the judgment dated 23.12.2025 passed by this Court in CWP No. 6559 of 2025.

2. Present review application has been filed in pursuance to the liberty granted by Hon'ble Division Bench of this Court in intra-court appeal i.e. LPA No.461 of 2026 vide order dated 23.02.2026, the relevant extract thereof reads as follows:-

“1. In the present appeal, the challenge is to the order dated 23.12.2025 by the learned Single Judge in CWP-6559-2025, whereby the writ petition preferred by the appellant has been dismissed.

2. Learned counsel for the appellant submits that certain arguments were raised before the learned Single Judge but the same have not been considered and decided, hence, the present appeal may kindly be disposed of having not been pressed any further, with liberty to file a review application before the learned Single Judge.

3. Ordered accordingly.”

3. Before this Court, a specific query was raised to the learned counsel for the review-applicant, as to which of the arguments have not been considered and decided by this Court.

4. In response to the aforesaid query, learned counsel appearing for review-applicant submits that he is pressing only one ground, as taken before the LPA Bench in para No.14 of the LPA, which reads as under:-



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“14. That Ld. Single Bench have miserably failed to appreciate the fact that the Ld. Revenue authorities have wrongly provided a passage to land holding of respondents Nos.4 to 6 from Khasra No.138 whereupon appellant has already raised construction and by way of Annexure P-14, the present appellant has proved the age of the house constructed over the land in question.”

5. When the above-extracted ground is seen in the context of the judgment under review dated 23.12.2025, it would be apparent that the same plea was raised by the learned Senior Counsel appearing for the petitioner before this Court while arguing the main writ petition itself and the same has been considered and rejected by this Court in para No.7 of the judgment under review dated 23.12.2025; the relevant extract of the same reads as under:-

“7. As regards second submission that respondents have been wrongly allotted passage through khasra No.138 by carving out a passage from point 'A' to point 'B' (as shown in site plan-Annexure P-9), it is noticeable that in order to resolve the said issue, the matter was referred to Mediation and Conciliation Centre of this Court and even efforts were made by this Court to bring about some amicable resolution between the parties by providing an alternate passage to the area allotted to respondents No. 4 to 6 and other co-sharers; however, petitioner herein refused to provide any other alternate passage.

7.1 Concededly, khasra No. 138 (from which passage has been provided to respondents No. 4 to 6) was joint land of parties, it is the only piece of land through which land under partition touches the Phirni (i.e. the village circular road). The



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manner in which the passage has been carved out from point 'A' to point 'B' (as shown in site plan-Annexure P-9), which further touches khasra No. 138, in my considered view, no fault can be found with the same when no other alternate passage is available for ingress or egress to land under partition. In view of the above, aforesaid contention raised on behalf of petitioner is also rejected.”

6. Although, the aforesaid ground was duly considered and rejected by this Court, still in order to satisfy the learned counsel for the review-applicant, his attention was drawn towards the site plan (Annexure P-9 of writ petition), and he was asked to show therefrom or any other material, that there was any alternate *rasta* available, other than the joint land comprised in killa No.138 [which is the only area which connects the land under partition with the *firni* (village circular road)].

6.1 In response to the aforesaid query, learned counsel for the review-applicant has very fairly submitted that there is no other alternate passage to reach the land under partition except killa No.138, which is also joint between the parties. It is also not disputed by the learned counsel for the review-applicant that on the eastern side of the land under partition there is a water channel (nehar) and on the other three sides, there is the land of other persons except killa No.138, which is joint between the parties (co-sharers) in the present matter.

7. Keeping in view the fact that the ground which has now been pressed in the present review application, was duly considered and rejected by this Court and despite categoric observation made by this Court in para



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No.4 of the judgment under review that the learned Senior Counsel appearing for the review-applicant/petitioner has raised primarily three submissions and further a categoric observation by this Court in para No.9 of the judgment under review that no other submission has raised on behalf of the petitioner, the present review application cannot be taken as a mode to reopen the matter or for re-hearing of the matter.

8. Further, Hon'ble Supreme Court in "**Sanjay Kumar Agarwal v. State Tax Officer**" (1), 2023 AIR (Supreme Court) 5636; has considered the scope of a review petition and 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."



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(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...”

9. It is also required to be noticed here that since the only ingress and egress available to the land under partition is through killa No. 138 (which is also joint land of the parties), the review-applicant/petitioner has raised construction of his house in a manner so as to obstruct such ingress or egress of the other co-owners to the land under partition. It *prima facie* appears that the aforesaid act of the review-applicant/petitioner to raise construction of a house so as to block the ingress and egress of the other co-owners to the land under partition through killa No.138, is with an oblique motive.

10. That apart, it is not disputed before this Court that the land on which the review applicant has constructed house, the same was agricultural land and before raising construction, the review applicant has not obtained any Change of Land Use (CLU) permission from any competent authority. Further, the review-applicant/petitioner has also not sought permission from



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other co-owners before raising construction on joint land. Apparently, the aforesaid act and conduct on the part of the review-applicant/petitioner to raise construction on joint land and that too in a manner so as to block ingress and egress to land under partition is certainly not above board and is deprecated.

11. It would also not be out of place to mention here that the instant partition proceedings were initiated way back in the year 2015 (i.e. last more than 10 years). It appears that the review-applicant/petitioner want to prolong the partition proceedings on one pretext or the other, which cannot be permitted.

12. No other argument was pressed/raised.

13. In view of the above discussion, ***although the present review application is required to be dismissed with exemplary costs, however, taking a lenient view, this Court refrains from imposing any costs, and present review application is dismissed.***

14. All pending application(s), if any, shall also stand closed.

**(HARSH BUNGER)
JUDGE**

22.04.2026
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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No