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RA-RS-43-2026 (O&M) in  
RSA-3094-2023  
ISHWAR SINGH  
VS.

PANCHAYATI AKHARA NIRMALA KANKHAL, HARIDWAR AND OTHERS

Present: Mr. Vikram Singh, Advocate for  
the applicant/appellant.

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Present Review Application under Section XLVII Rule 1 CPC has been filed by the appellant seeking review of the order dated 06.03.2026 passed by this Court dismissing the RSA-3094-2023; which had been filed by the review applicant against the concurrent judgments and decrees of the Id. District Courts; whereby the suit filed by the plaintiffs/respondents No.1 and 2 herein, for declaration and permanent injunction, had been decreed by both the District Courts.

2. Learned counsel for the review-applicant seeks review of the order/judgment dated 06.03.2026 on the ground that certain new material has come to light as Tehsildar of village Manimajra vide Report dated 27.03.2026 (Annexure A-1) has verified that land of the review applicant falls in the Abadi deh of village Manimajra and is not part of the Dera land, which was gifted to the respondents. It is further stated in para 2 (f) of the present review application that *“despite due diligence the applicant was unaware of the intricacies of the revenue law particularly the difference between Agricultural land and land within Abadi Deh.”*

3. Learned counsel for the review applicant has also submitted that the land allegedly gifted to the respondents which is allegedly



recorded in Mutation Exhibit P-7, is agricultural land being separate and distinct from the land purchased by the applicant, which is situated in Abadi Deh of the village Manimajra. It is submitted that therefore there is manifest error in the order dated 6.3.2026.

4. It is accordingly prayed that the present review application be allowed; and judgment/order dated 06.03.2026 be reviewed.

5. No other argument is made on behalf of the review-applicant. I have heard Id. counsel and perused the case file; as also the order dated 06.03.2026. I find no merit whatsoever in the submissions advanced on behalf of the review applicant.

6. Learned counsel for the review applicant has not been able to dispute the fact that the suit property bearing House No. 342 Manimajra was never recorded in the records of the Notified Area Committee, Manimajra in the name of defendants No. 1 to 5, who are vendors of the review applicant/appellant/defendant No.6. It is also undisputed fact on record that Gurdial Singh Chela Ram Singh Chela Ganesha vendors of defendants No.1 to 5 also possessed no title to the suit property. Clearly therefore, defendants No.1 to 5, who are vendors of the review applicant, could not have passed better title than what they had possessed.

7. Further in para 24 of the order dated 06.03.2026, it is categorically recorded that no sale consideration was proved to have been paid by the review applicant to his vendors for purchasing of suit property.

In para 27 of the judgment dated 06.03.2026, it is further recorded that



review applicant was unable to prove his possession over the suit property. No challenge has been made by the review applicant to the aforesaid concurrent findings of District Courts, which have been upheld by this Court vide order dated 6.3.2026.

8. The scope of review is extremely limited. A review can be entertained only when there is an error apparent on the face of the record or where some new and important matter or evidence, which after exercise of due diligence was not within the knowledge of the applicant or could not be produced at the time of passing of the order, is subsequently discovered. The review jurisdiction cannot be invoked merely to reargue the matter or to fill up omissions or lacunae left in the original proceedings. In the present case, the review-applicant is clearly seeking to re-argue the matter on merits which cannot be permitted as per law. No such material error has been brought to the notice of this Court, which merits review of the judgment dated 06.03.2026.

9. It is established position in law that a review application is not meant to permit the review-applicant to re-argue the entire case and raise the points that could have been raised during the initial hearing. An order passed by this Court can be reviewed if there is manifest error on the face of the record meaning thereby that there is a clear and obvious mistake in the judgment. The Review Application is not meant to re-agitate arguments or pleadings that were omitted during the hearing of the main matter. As such, I find no such error in the order dated



06.03.2026. Rather, as noted above, by way of the present Review Application, the review applicant is seeking to re-argue and re-agitate the main appeal.

10. Reliance is placed on a recent judgment of the Hon'ble Supreme Court in **"Malleeswari Vs. K. Suguna and Another"** SLP(C) **No.12787 of 2025 decided on 08.09.2025**, wherein principles for review jurisdiction have been laid down in Para 15, which reads as follows: -

*"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.”

(Emphasis added)

11. In view of the above noted factual and legal position, no ground is made out to review the order dated 06.03.2026. Present Review Application accordingly stands **dismissed**.

12. Pending application(s), if any, also stand(s) disposed of.

**29.04.2026**

Divyanshi

**(NIDHI GUPTA)**  
**JUDGE**