

166 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RA-CW-249-2026, CM-7909-CWP-2026 in
CWP-34081-2025 (O/M)
Date of decision : 18.05.2026

Bhana (since deceased) through his LR's and another Petitioners

Versus

Financial Commissioner, Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. P.R. Yadav, Advocate
for review-applicants.

Mr. Harpreet Singh, AAG Punjab.

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HARSH BUNGER, J. (ORAL)
CM-7909-CWP-2026

1. This is an application filed under Section 151 CPC for placing on record certain documents as Annexure A-1 to Annexure A-4.

2. For the reasons mentioned in application, same is allowed and documents (Annexure A-1 to Annexure A-4) are taken on record subject to all just exceptions.

3. Application is accordingly disposed of.

RA-CW-249-2026

1. The instant review application has been filed under Section 114 read with Order 47 Rule 1 CPC and under Article 226 of Constitution of India, whereby applicants are seeking review of judgment dated 17.11.2025, passed by this Court in CWP-34081-2025.

2. The instant review application has been filed in pursuance to the liberty granted by the Division Bench of this Court, vide order dated 08.04.2026, passed in intra-court appeal (LPA-957-2026), the relevant extract of which reads as under :-

“1. In the present Letters Patent Appeal, the challenge is to the order dated 17.11.2025 passed by the learned Single Judge in CWP No. 34081 of 2025 whereby, the claim of the petitioners (appellants herein) has been dismissed.

2. Learned counsel for the appellants submits that while dismissing the writ petition, a finding has been recorded by the learned Single Judge that the objection while partitioning so as to grant a joint ‘khewat’ was not given by the appellant herein and no such statement to that effect was there and therefore, the finding recorded by the learned Single Judge in paragraph 5 including para 5.1 and 5.2 of the order dated 17.11.2025 are incorrect hence, the present appeal may kindly be disposed of having been not pressed any further with liberty to the appellants to file a review before the learned Single Judge.

3. Ordered accordingly.”

3. Learned counsel for review-applicants submits that while deciding the main writ petition, vide order dated 17.11.2025, this Court had only mentioned regarding Clause No. 2 of Mode of Partition; whereas Clause No. 7 of Mode of Partition has not been considered, although the reliance was placed upon the same in para-8 of the writ petition. It is submitted that review-applicants had taken a plea in the reply to the partition application as well as while submitting their objection to Naksha 'Bey' that their separate khewats be carved out; however, no heed had been paid thereto and in the final partition, a joint

khewat of petitioners has been carved out. It is further submitted that in terms of Clause No. 7 of Mode of Partition, a choice was given to the parties to get their khewat separated at the spot, therefore, on that account the review-applicants did not challenge mode of partition. With the aforesaid submissions, prayer has been made for allowing the instant review application and to review judgment dated 17.11.2025, passed by this Court in CWP-34081-2025.

4. I have heard learned counsel for review-applicants and perused the paperbook with his able assistance.

5. During the course of hearing of this review application, it is not disputed before this Court that the petitioners did not lay any challenge to the mode of partition, the relevant extract of which reads as under :-

“On the statement of the parties in the following manner mode of partition is being prepared as under :-

- 1. Separate khewat of the applicants be got prepared.*
- 2. A joint khewat be made of Respondents No. 1 and 3.*
- 3. A separate Khewat of Respondent No. 2 be prepared.*
- 4. Trees be kept with partition.*
- 5. Passages be carved out as per requirement.*
- 6. If source of Irrigation is permanent then be attached with the portions of all the shareholders.*
- 7. If in case any co-sharer wishes then his separate Khewat be got made at the spot.*
- 8. LC Fees is fixed at Rs. 2500/- and same will be paid by the applicant at the spot.”*

5.1 It is also not disputed that review-applicants were impleaded as respondents No. 1 and 3 before Assistant Collector 1st Grade,

Mahendergarh (in short 'Assistant Collector') and in terms of Clause No. 2 of Mode of Partition, it was specifically recorded therein that a joint khewat of respondents No. 1 and 3 i.e Shri Bhana (since deceased) and Shri Dharamveer was to be made. It is also not disputed before this Court that learned counsel appearing on behalf of Shri Bhana (since deceased) and Shri Dharamveer before the concerned Assistant Collector had made a statement that a joint khewat of Shri Bhana (since deceased) and Shri Dharamveer be made. The said fact is fortified from the averment made by review-applicants in para-6 of review application, which reads as under :-

“6. That in para No. 5 of the order this Hon'ble Court has referred to statement of the Ld. Counsel for the petitioners and there is mentioned regarding joint khewat of applicant No. 1 and 3 i.e. the petitioners. The above mistake inadvertently made by counsel for the petitioners was further sought to be rectified when objections to Naksha Bey dated 26.08.2013 (Annexure P-11) were filed by the petitioners”

5.2 Now, it is being sought to be contended that even if there was some inadvertent mistake on the part of counsel for review-applicants before the concerned Assistant Collector, the same was inconsequential in view of Clause No. 7 of Mode of Partition, which reads as under :-

“7. If in case any co-sharer wishes then his separate Khewat be got made at the spot.”

5.3 I have considered the aforesaid plea raised on behalf of review-applicants; however, suffice it to say that once there is a categorical Clause No. 2 in the Mode of Partition, which clearly states that a joint

khewat of Shri Bhana (since deceased) and Shri Dharamveer (i.e. present review-applicants) was to be made and even their counsel made a similar statement to that effect before the concerned Assistant Collector, now after the final partition has been carried out, the review-applicants cannot be permitted to turn around and place reliance upon Clause No. 7 of Mode of Partition to contend that an option had been given to the co-sharers to get their khewat separated at the spot.

5.4 It appears that the aforesaid Clause No. 7 of Mode of Partition was incorporated initially in the proposed mode of partition and same has been carried on to the final mode of partition as well. Be that as it may, on a harmonious construction of Clause No. 7 of Mode of Partition with other clauses contained in mode of partition, it has to be taken that the option provided under Clause No. 7 of Mode of Partition cannot extend beyond the stage of finalization of the mode of partition. Neither Clause No. 7 of Mode of Partition can be said to be of independent existence, nor it can be made operative to all stages of partition. In case, such interpretation is to be rendered in respect of Clause No. 7 of Mode of Partition, then the very sanctity of mode of partition would be lost.

5.5 Evidently, despite there being a specific Clause No. 2 in the Mode of Partition, stating that a joint khewat of Shri Bhana (since deceased) and Shri Dharamveer (i.e. present review-applicants) was to be made, no objection was raised on behalf of review-applicants; neither when the mode of partition was proposed nor any challenge was made after finalization of the mode of partition, before any higher authorities.

5.6 One another factor which is required to be noticed here is that in the partition proceedings before concerned Assistant Collector, there were only five co-shareres, namely :-

- (i) Priyanka widow of Shri Virender Singh ;
- (ii) Jatin (minor) son of Shri Virender Singh ;
- (iii) Bhana son of Natha ;
- (iv) Murli son of Ruda ; and
- (v) Dharamveer adopted son of Mohan Lal

5.7 According to mode of partition, out of aforesaid five co-sharers, a joint khewat has been carved out for Priyanka and Jatin; a separate khewat for Murli son of Ruda and then a joint khewat for Shri Bhana (since deceased) and Shri Dharamveer (present review-applicants). In case, Shri Bhana (since deceased) through his legal heirs and Shri Dharamveer did not want their area to be kept joint, in that eventuality, they are well within their right to seek partition amongst themselves out of their joint khewat, which has been carved out in the present partition proceedings.

6. Furthermore, Hon'ble the Supreme Court of India in the case of “*Sanjay Kumar Agarwal Versus State Tax Officer (I)*”, 2023 AIR (Supreme Court) 5636, while considering the scope of review of a judgment, 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."

(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..."

7. Considering the totality of circumstances, I see no compelling reason which may warrant interference by this Court in the present review application.

8. No other point was argued/pressed.
9. In view of the above discussion, the instant review application fails and the same is accordingly, dismissed.
10. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

18.05.2026
sjks

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No