



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

241

RA-RS-75-2025 &
CM-2264-C-2026 in
RSA-2244-2025
Date of Decision:-10.03.2026

Gayatri Devi (since deceased) through her LRsAppellants

Versus

Rajesh and anotherRespondents

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Mukesh Yadav, Advocate, for
the applicants-LRs of the appellant.

Mr. Amrainder Singh, Advocate,
for the non-applicant/respondent No.1.

Respondent No.2 is a proforma respondent.

AMARINDER SINGH GREWAL, J. (Oral)

1. The present review application has been filed under Order 47 Rule 1 read with Section 114 of the Code of Civil Procedure, 1908 for review of the order/judgment dated 12.08.2025 passed in RSA-2244 of 2025, whereby the RSA filed by the applicants/appellants was dismissed.
2. Applicants/appellants, i.e. the legal representatives of the deceased-Gayatri Devi, seek review of the judgment dated 12.08.2025 passed in RSA-2244 of 2025 by contending that the same suffers from errors apparent on the face of the record due to mis-appreciation and non-consideration of the material evidence.
3. It is contended by learned counsel for the applicants/appellants that respondent-Rajesh and another have failed to prove the execution of the agreement to sell dated 29.10.2010, as the



mother of the appellants was not present at Ateli at the relevant time. It is further contended that the witnesses examined by the respondents/plaintiffs are interested witnesses and even the scribe of the alleged agreement was never examined, nor has respondent–Rajesh mentioned the name of the scribe. It is submitted that PW-2 admitted that only Rs.10,000/- was paid in his presence and further admitted that he had not signed the agreement to sell dated 29.10.2010. He also admitted that he was not aware of the contents written in the said agreement to sell. At the same time, it is contended that PW-5, who is the real brother of the plaintiff, admitted that the agreement to sell was written on 29.10.2010 and further stated, contrary to the testimony of PW-2, that only Rs.50,000/- was paid in cash, whereas PW-2 had stated that only Rs.10,000/- was paid in his presence. It is further contended that PW-5 denied that the agreement to sell was attested in his presence, whereas PW-6 stated that Shiv Hari was the scribe of the agreement to sell; however, there are no signatures of Shiv Hari on the said agreement to sell. It is further contended that presence of Garatri Devi at Ateli was not duly proved at Ateli as she was residing in Khaithal Rajasthan and plaintiff himself stated that he went to Khaithal for this deal then there is not any question arises to come at Ateli. Thus, it is contended that the above facts were never appreciated by this Court while passing judgment dated 12.08.2025 and as such, the judgment be reviewed in the light of above contentions.

4. To the contrary, learned counsel for the respondents submits that all the aspects were duly considered by this Court while passing the



judgment dated 12.08.2025 and the present review application has been filed only for the limited purpose of seeking re-appreciation of the evidence, which is not permissible in review jurisdiction. As such, the review application deserves to be dismissed.

5. I have heard learned counsel for the parties and perused the entire record of the case with their able assistance.

6. Respondent No.1–Rajesh Kumar (plaintiff) had filed a suit for specific performance as well as injunction on the basis of the agreement to sell dated 29.10.2010 with regard to the property as mentioned in the headnote of the plaint, bearing Civil Suit No.97 of 2014, instituted on 13.08.2014. In the said suit, appellant–Gayatri Devi, since deceased, appeared and filed the written statement. After appreciation of the evidence, the learned trial Court decreed the suit vide judgment and decree dated 26.07.2017. Against the said judgment and decree dated 26.07.2017, Smt. Gayatri Devi filed an appeal i.e. Civil Appeal No.409 of 2017 before the Court of the learned Additional District Judge, Narnaul, but the same was also dismissed. Further not being satisfied with the concurrent findings recorded by the learned Courts below, Smt. Gayatri Devi filed RSA No.2244 of 2025 and, after hearing learned counsel for the parties, this Court dismissed the same vide judgment dated 12.08.2025. Though the above submissions have been made before this Court that there are contradictory statements of the PWs and that the same were neither appreciated by this Court nor by the learned Courts below, this Court is of the view that review proceedings are not in the nature of an appeal. Moreover, the Court cannot re-



appreciate the evidence or rehear the case in the guise of a review. Rather, this Court is of the view that a wrong judgment on merits is not a ground for review. The scope of review is limited only to correction of errors apparent on the face of the record and not to change the view already taken. Furthermore, the review Court does not sit in appeal over its own judgment.

7. After hearing learned counsel for the parties at length and perusing the entire record, this Court proceeds to examine the maintainability of the present review petition in the light of Order XLVII Rule 1 CPC. Before proceeding with the analysis, this Court refers to the grounds for exercising review jurisdiction Order XLVII Rule 1 of the Code of Civil Procedure 1908 (“CPC”). Order XLVII Rule 1 of CPC lays down the following grounds for review:

“XLVII. Application for review of judgment.—(1) Any person considering himself aggrieved—

(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,

(b) by a decree or order from which no appeal is allowed, or (c) by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order.

(2) A party who is not appealing from a decree or order may apply for a review of judgment notwithstanding the pendency of an appeal by some other party except where the ground of such appeal is common to the applicant and the appellant, or when, being respondent, he can present to the



Appellate Court the case on which he applied for the review.”

8. The statutory provision permits review only upon (i) discovery of new and important matter or evidence which, despite due diligence, was not within the knowledge of the applicant or could not be produced at the time of decision; (ii) mistake or error apparent on the face of the record; or (iii) any other sufficient reason analogous to the above grounds. The review applicant-appellant has neither pleaded nor demonstrated discovery of any new material, which was unavailable despite due diligence. The grounds urged pertain to alleged misappreciation of documentary evidence, reconsideration of readiness and conduct of parties, and re agitation of issues concerning permission to transfer and execution of the sale deed, all of which were specifically examined and adjudicated by this Court in the judgment dated 09.10.2025. No patent, self-evident or manifest error has been pointed out; rather, the contentions require a fresh evaluation of evidence and a reappraisal of findings already returned. An error which has to be established by a long-drawn process of reasoning cannot be termed as an “error apparent on the face of the record”

9. The power of review being an exception to the doctrine of finality, which must be exercised within narrow confines. The maxim interest reipublicae ut sit finis litium mandates that litigation must attain finality, and the principle Actus curiae neminem gravabit is attracted only in cases of fundamental procedural or jurisdictional error causing grave injustice, which is conspicuously absent in the present case. The



Hon'ble Supreme Court, in *Thungabhadra Industries Ltd. v. Government of Andhra Pradesh* (1965) 5 SCR 174; *Kumari Choudhury* (1995) 1 SCC 170; *Meera Bhanja v. Nirmala Parison Devi v. Sumitri Devi* SCC 715; *N. Anantha Reddy v. Anshu Kathuria through LRs v. Aravindakshan Nair* (2013) 15 SCC 534; 2017 (2) RCR (Civil) 363 pronouncement in *Malleeswari v. K. Suguna and Another* SC 1927, decided on 08.09.2025 (1997) 8 Sasi (Dead) ; and the latest , 2025 SCC OnLine, has consistently held that the scope of review jurisdiction is well settled. Review proceedings are not by way of an appeal and are strictly confined to the parameters of Order XLVII Rule 1 CPC. Review is not to be confused with appellate powers, which may enable correction of all manner of errors. In exercise of review jurisdiction, an erroneous decision cannot be reheard and corrected, as a review petition cannot be permitted to operate as an appeal in disguise. The power of review is available only for correction of a patent mistake or error apparent on the face of the record and not to substitute one possible view with another. The review court does not sit in appeal over its own judgment, and rehearing on merits is impermissible. The jurisdiction is invoked only to prevent miscarriage of justice or to correct grave and palpable errors, none of which are demonstrated in the present case.

10. Thus, tested on the anvil of the aforesaid statutory parameters and settled legal principles, the present review application is nothing but an attempt to reopen and reargue issues, which stood conclusively determined in the judgment dated 12.08.2025 passed by this



Court and this Court does not find any patent error apparent on the face of the record or any sufficient reason analogous thereto for invoking review jurisdiction. The mechanical invocation of the phrase “error apparent” cannot enlarge the narrow scope of review jurisdiction. What is sought is, in substance, a rehearing of the second appeal on merits, an exercise which is wholly impermissible under Order XLVII Rule 1 CPC. Judicial discipline demands finality. Review is an exception, not a second inning.

11. Hence, this Court has already discussed and dealt with the contentions of the applicants/appellants and does not find any error apparent on the face of the record or any illegality resulting in miscarriage of justice. As such, the present review application is devoid of merit and the same is dismissed.

12. Pending applications, if any, shall stand disposed of.

(AMARINDER SINGH GREWAL)
JUDGE

10.03.2026
anil

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No