



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

**RA-CR-176-2025 in
CR-7579-2025**

Reserved on :- **09.02.2026**

Date of Pronouncement:- **16.02 .2026**

Uploaded on:-**16.2.2026**

Firm B.R. Construction and Others

... Non-applicant/Petitioners

Versus

Mukesh Singh and Others

...Applicant/Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Argued by :-

Mr. Sandeep Sharma, Advocate
for the applicant/respondent No.1.

VIRINDER AGGARWAL, J.

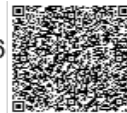
1. Instant review application under Order XLVII Rule 1 read with Section 114 of the Code of Civil Procedure, 1908, and Article 227 of the Constitution of India, filed on behalf of applicant/respondent No. 1, seeking review and recall of the impugned order/judgment dated 28.10.2025 (Annexure A-2) passed by this Court.

2. The non-applicant/petitioners approached this Court by filing CR-7579-2025, assailing the order dated 23.09.2022 (Annexure A-1) passed by the learned Civil Judge, Mahendergarh, whereby the defence of the petitioners was struck off under Section 35-B of the Code of Civil Procedure, 1908, and further seeking directions for expeditious decision of the pending applications under Order VII Rule 11 CPC and Section 33 of



the Indian Stamp Act. The said revision petition was, however, disposed of by this Court vide order dated 28.10.2025 (Annexure A-2), granting the petitioners one opportunity to file reply to the application, subject to payment of costs. The questions arising in respect of the applications preferred under Order VII Rule 11 of the Code of Civil Procedure, 1908 (hereinafter referred to as “CPC”) and under Section 33 of the Indian Stamp Act, 1899, which were pending consideration in the civil suit, were not adjudicated upon in the revision petition. The learned counsel was advised to confine the scope of the revision petition either exclusively to the proceedings in the civil suit or to the application under Order XXXIX Rule 2-A CPC. Ultimately, the revision petition came to be disposed of solely in relation to the order whereby the defence of the petitioner had been struck off under Section 35-B CPC on account of non-payment of costs and failure to file the written statement/reply within the stipulated period.

2.1. The present petition has been instituted, inter alia, on the ground that while passing the impugned order, the Court failed to take into consideration that the application in question has remained pending for more than four years and is still at a nascent stage of adjudication. It has further been urged that a Co-ordinate Bench of this Court had previously directed that the said application be decided on merits within a period of four months. The petitioner has also contended that the pleadings on the basis of which the impugned order was passed were founded upon material misstatements, particularly with regard to the pendency of applications under Order VII Rule 11 CPC and Section 33 of the Indian

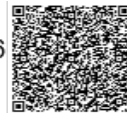


Stamp Act, 1899. It is further alleged that there were incorrect assertions concerning proceedings under Section 138 of the Negotiable Instruments Act, 1881.

2.2. The revision petition was allowed, and the petitioner was granted an opportunity to file a written reply. While doing so, the Court took into account the quasi-criminal character of the proceedings under Order XXXIX Rule 2-A CPC and observed that denial of a reasonable opportunity to defend could potentially result in the petitioner being subjected to civil imprisonment. In order to subserve the ends of justice, and bearing in mind the serious consequences that may ensue, the Court deemed it appropriate to grant one final opportunity to the petitioner to file the written reply.

3. Learned counsel for the applicant/respondent No.1 argued that the defence of the non-applicant/petitioners had already been struck off by the learned Civil Judge under Section 35-B CPC, and the said consequence had attained finality. Grant of an opportunity to file reply vide order dated 28.10.2025, even subject to costs, has the effect of diluting the statutory consequence flowing from Section 35-B CPC. The revision petition was confined to the challenge of the order dated 23.09.2022 and directions regarding pending applications, and the relief granted travels beyond the scope of the revision. The applicant does not seek rehearing on merits but prays for a limited review to correct the inadvertent procedural consequence, in order to preserve procedural discipline and prevent prejudice.

4. I have heard learned counsel for the applicant/respondent No.1 and perusal the paper-book minutely.



5. This Court has considered the submissions advanced and has carefully perused the record of the case. The present review application does not disclose any ground warranting interference within the limited parameters of Order XLVII Rule 1 of the Code of Civil Procedure, 1908.

5.1. The impugned order records that the submissions advanced on behalf of the non-applicant/petitioners were examined and found to be irrelevant, as the only material fact on record was that their defence stood struck off due to non-filing of the written reply. The plea now sought to be raised that no adequate opportunity was afforded is neither substantiated by the pleadings nor borne out from the record. Significantly, there is no averment that any opportunity to file reply was denied; rather, the defence was struck off on account of continued non-compliance.

5.2. It is well settled that the power of review is extremely limited and can be exercised only when there is an error apparent on the face of the record, discovery of new and important matter, or any other sufficient reason analogous thereto. The Hon'ble Supreme Court in ***Kamlesh Verma v. Mayawati, (2013) 8 SCC 320***, has held that “A review petition has a limited purpose and cannot be allowed to be an appeal in disguise. It cannot be used for rehearing and correcting an erroneous decision on merits. Review lies only for correction of an error apparent on the face of the record and not to substitute a view.”

5.3. Similarly, in ***Lily Thomas v. Union of India, (2000) 6 SCC 224***, it has been reiterated that ‘The power of review can be exercised only for correction of a mistake and not to substitute a fresh or second opinion. Review cannot be treated as an appeal in disguise. The mere possibility of two views on the subject is not a ground for review.’



5.3. In the present case, no error apparent, misstatement of fact, or violation of principles of natural justice is demonstrated. The review application is an attempt to re-agitate issues already considered and conclusively decided, which is impermissible in law.

5.4. In view of the foregoing, the applicant/respondent No.1 has failed to establish any cogent ground for review of the order dated 28.10.2025 (**Annexure A-2**). Consequently, the review application stands dismissed for want of merit.

16.02.2026
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No