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**RA-CR-201-2025 in
CR-2191-2023
SUMAN AND ANOTHER V/S. MEENAKSHI AND OTHERS**

Present: Mr. Rajesh Sethi, Advocate and
Mr. Anshuman Sethi, Advocate for
the applicant/petitioners.

Present Review Application under Section 114(b) read with Order 47 and Section 94(e) & Section 151 of CPC has been filed seeking review of judgment/order dated 01.12.2025; vide which the Civil Revision No. 2191 of 2023 filed by the review-applicant laying challenging to the dismissal of his application under Order VII Rule 11 CPC, had been dismissed.

2. It is *inter alia* submitted by learned counsel for the review-applicant that although all submissions made by the learned counsel at time of hearing of the Civil Revision petition have been duly noted/recorded in the order dated 1.12.2025; however, it is contented that the judgment dated 01.12.2025 does not deal with and decide many important issues which were urged at the time of hearing. To buttress his submission, learned counsel submits that in para 14 of the judgment/order dated 01.12.2025, it has been wrongly noted by this Court that "*the petitioners had already exhausted their remedy of filing application under Order VII Rule 11 CPC by way of their first application dated 19.08.2021 (Annexure P-2) which was dismissed by the learned trial Court vide order dated 02.12.2021 (Annexure P-4). Admittedly, no revision*



was filed by the petitioners to challenge the order (Annexure P-4); rather the petitioners have again filed the present application (Annexure P-7) on the same grounds.” It is contended that this Court was incorrect in observing that review applicants had already exhausted their remedy by way of filing first application dated 19.08.2021 (Annexure P-2) under Order VII Rule 11 CPC.

3. It is accordingly prayed that the present review application be allowed; and judgment/order dated 01.12.2025 be reviewed.

4. No other argument is made on behalf of the review-applicant. I have heard Id. counsel and perused the case file and the order dated 01.12.2025. I find no merit whatsoever in the submissions advanced on behalf of the review applicant.

5. The only/primary ground on which the review-applicant is seeking review of the judgment/order dated 01.12.2025 is encapsulated in para 10 of the Review Application, which reads as under: -

“That a careful perusal of the judgment dated 01.12.2025 reveals that the same does not deal and decides many important issues which were urged at the time of hearing on 01.12.2025 and which have been highlighted here-in-above in this review application and thus there is manifest error in overlooking the documents and circumstances emanating on record which can be termed as an error apparent on the face of record and non-consideration of relevant documents. The applicants are sanguine that they have a strong case in their favour and in case their claim is not countenanced, they will



suffer immeasurable loss and injury. Law is well settled that power of judicial review of its own order inheres in every court to prevent miscarriage of justice.”

6. Besides being vague and general, in nature, the above said averments do not disclose any material error in the judgment dated 1.12.2025. Moreover, the operative paras 10 to 12 of the order dated 01.12.2025 read as follows:-

“10. The facts of the case have already been noted here-in-above. It has been contended on behalf of the petitioners/defendants No. 3 and 4 that the plaintiffs, in their plaint (Annexure P-1) have admitted the execution of Release Deed and Gift Deed (Annexures P-5 and P-6, respectively); and they have also admitted the registration, execution and/or their signatures on the said documents. However, perusal of the plaint (Annexure P-1) shows that in Para No. 4 (vi) of the plaint, the plaintiffs have categorically averred as follows:-

"Para No. 4 (i) to (v) XXX XXY XXX

(vi) It is pertinent to submit here that as far as the memory of the plaintiffs goes the alleged signatures of plaintiffs over the release deed of defendant No. 2 has been obtained by them in the year 2013 by way of playing fraud and misrepresentation upon the plaintiffs under the pretext of identification purposes in KCC loan etc. in good faith stating that defendants No. 1 and 2 want to obtain some kind of loan/KCC over the land and accordingly the plaintiffs have put their respective signatures without going through the contents of the alleged document nor they were ever told about any alleged release deed."

11. In para 5 of the plaint (Annexure P-1), the plaintiffs have further pleaded that they came to now of the Release Deed



and Gift Deed (Annexures P-5 and P-6, respectively) only in the month of June 2021. Thereafter, the present suit was instituted on 13.07.2021.

12. It is well entrenched position in law that in an application under Order VII Rule 11 CPC, only averments made in the plaint are to be seen. The contention of learned counsel for the petitioners that merely by cleverly drafting the plaint, the plaintiffs cannot seek to obviate the stipulations of the Limitation Act, is misconceived as, question of limitation is a mixed question of law and fact. Needless, to say the contentions raised by learned counsel for the petitioners with regard to the fact that the Release Deed (Annexure P-5) bears the photographs and signatures etc. of the plaintiffs can only be determined upon trial after leading of evidence. The said factors cannot be ascertained merely on the basis of bald averments made on behalf of the petitioners.”

7. A perusal of the above shows that the Issue at hand has been considered and dealt with by this Court in the judgment under Review.

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 1.12.2025.

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 01.12.2025. 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 also 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.”

11. In view of the above noted factual and legal position, no ground is made out to review the order dated 01.12.2025. Present Review Application accordingly stands **dismissed**.

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

09.01.2026
Divyanshi

(NIDHI GUPTA)
JUDGE