



\$~53

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 13/2025**
MEENA KUMARIAppellant
Through: None.

versus

TASLIM AKHTAR & ORS. ...Respondents
Through: Mr. Siddhant Nath and Mr. Amaun
Khan, Advocates for respondent
No.1/Review Petitioner

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
27.03.2026

%

REVIEW PET. 130/2026 (seeking review of order dated 29.01.2026 by respondent no.1)

1. The present review petition has been moved by respondent no. 1 seeking review of order dated 29.01.2026, *vide* which, this Court had allowed the concerned appeal and set aside the impugned order dated 21.11.2024 passed by the learned District Judge-2, District North, *Rohini* Courts, by way of which, in turn, the application filed under Order XXXIX Rule 10 CPC by respondent no. 1/plaintiff had been allowed.
2. Mr. Siddhant Nath, who appears for the review petitioner, seeks recall of the said order by contending that though the parties to the suit had set up their rival claims, the plaintiff had premised his case on the basis of a registered sale deed in his favour, whereas the defendant had claimed ownership by virtue of an oral agreement. He placed reliance upon the decision in Suraj Lamps & Industries Pvt. Ltd. Vs. State of Haryana and



Anr.¹, which lays down that no right, title, and interest in an immovable property can be transferred without a registered instrument. He further pointed out that the defendant had not filed any declaratory suit for affirmation of ownership rights in his favour.

3. As noted above, the subject appeal arose in the context of an order passed under Order XXXIX Rule 10 CPC. Though the Trial Court had directed the defendant to deposit the rental amount which it had admitted under the previous landlord (from whom the plaintiff claims to have derived his title), this Court, on appreciation of the facts, noted that the defendant had not admitted any tenancy under the plaintiff. On the contrary, the defendant had claimed to be the owner.

4. In the aforesaid backdrop of facts, this Court had set aside the impugned order by noting that the parties were not *ad idem* either regarding the relationship of landlord and tenant between the parties, or *qua* the alleged rent.

5. The law on review is well-settled. A review is maintainable only on limited grounds such as an error apparent on the face of the record and not for a re-hearing of the case on merits. The Supreme Court has authoritatively held the same in Kamlesh Verma Vs. Mayawati² as under:-

“20.1. When the review will be maintainable:

(i) Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the petitioner or could not be produced by him;

(ii) Mistake or error apparent on the face of the record;

(iii) Any other sufficient reason.

The words “any other sufficient reason” have been interpreted in Chhajju Ram v. Neki [(1921-22) 49 IA 144 : (1922) 16 LW 37 : AIR

¹ 183 (2011) DLT 1 (SC)

² (2013) 8 SCC 320



1922 PC 112] and approved by this Court in *Moran Mar Basselios Catholicos v. Most Rev. Mar Poullose Athanasius* [AIR 1954 SC 526 : (1955) 1 SCR 520] to mean “a reason sufficient on grounds at least analogous to those specified in the rule”. The same principles have been reiterated in *Union of India v. Sandur Manganese & Iron Ores Ltd.* [(2013) 8 SCC 337 : JT (2013) 8 SC 275]

20.2. When the review will not be maintainable:

(i) A repetition of old and overruled argument is not enough to reopen concluded adjudications.

(ii) Minor mistakes of inconsequential import.

(iii) Review proceedings cannot be equated with the original hearing of the case.

(iv) Review is not maintainable unless the material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice.

(v) A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected but lies only for patent error.

(vi) The mere possibility of two views on the subject cannot be a ground for review.

(vii) The error apparent on the face of the record should not be an error which has to be fished out and searched.

(viii) The appreciation of evidence on record is fully within the domain of the appellate court, it cannot be permitted to be advanced in the review petition.

(ix) Review is not maintainable when the same relief sought at the time of arguing the main matter had been negatived.”

6. Earlier, in *Lily Thomas Vs. Union of India*³, the Supreme Court held that a review is not an appeal in disguise and lies only for correction of a patent error. It was observed that an error which is not self-evident and which has to be detected by a long-drawn process of reasoning cannot be regarded as an error apparent on the face of the record so as to justify exercise of the power of review.

³ (2000) 6 SCC 224



7. A gainful reference can also be made to the decision in Meera Bhanja v. Nirmala Kumari Choudhury⁴, wherein the Supreme Court held that the review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order XLVII Rule 1 CPC.

8. On the touchstone of above facts and law, there is no error apparent on the face of record and the review being meritless, the same is dismissed.

MANOJ KUMAR OHRI, J

MARCH 27, 2026/pmc

⁴ (1995) 1 SCC 170