

2025:PHHC:014727-DB



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

**CM-19994-CWP-2024 in/and
RA-CW-521-2024 in
CWP-1143-2020 (O&M)
Date of Decision: 31.01.2025**

PRABHANTI AND OTHERS

..... Applicant-Petitioner(s)

Versus

FINANCIAL COMMISSIONER, REVENUE, HARYANA AND OTHERS

..... Respondent(s)

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MR. JUSTICE HARSH BUNGER**

Present: Mr. R.N. Lohan, Advocate
for applicant-petitioners.

LISA GILL, J.

1. The only ground raised in this application seeking review of order dated 15.09.2022 is that Hon'ble the Supreme Court has decided to review its decision in Civil Appeal No.6990/2014 vide decision dated 07.04.2022 and the matter is pending before Hon'ble the Supreme Court.
2. There is a delay of 780 days in filing the review application.
3. Learned counsel for applicant submits that present review application was filed subsequent to abovesaid proceedings before Hon'ble the Supreme Court. Therefore, in effect there is no delay in filing this application.
4. Heard. In our considered opinion the reason as above can definitely not be a ground to seek review of order dated 15.09.2022 and neither can it be a ground to condone the delay of 780 days in filing the application for review.

5. Hon'ble the Supreme Court in *Govt. of NCT of Delhi Through Its Secretary, Land And Building Department v. M/s. K.L. Rathi Steels Limited, 2024(7) SCC 315*, has considered the scope of a review petition and has held as under:

"104. We, thus, hold that no review is available upon a change or reversal of a proposition of law by a superior court or by a larger Bench of this Court overruling its earlier exposition of law whereon the judgment/order under review was based. We also hold that notwithstanding the fact that Pune Municipal Corporation (supra) has since been wiped out of existence, the said decision being the law of the land when the Civil Appeals/Special Leave Petitions were finally decided, the subsequent overruling of such decision and even its recall, for that matter, would not afford a ground for review within the parameters of Order XLVII of the CPC."

6. It is also useful to refer to judgment of Hon'ble the Supreme Court in *Sanjay Kumar Agarwal v. State Tax Officer (1), 2023 AIR (Supreme Court) 5636*, wherein after referring to earlier judgments, it has been held as under:-

- (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. Learned counsel for applicant is unable to point out any ground which calls for intervention.

8. Present review application is accordingly dismissed on merits as well as being time barred.

**(LISA GILL)
JUDGE**

**(HARSH BUNGER)
JUDGE**

31.01.2025

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