



CR No. 2102 of 2024 (O&M) -1-

114 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 2102 of 2024 (O&M)
DATE OF DECISION: 04.09.2025

PHOOL CHAND

.....PETITIONER

Vs.

M/S MOHAN DAI OSWAL CANCER TREATMENT AND
RESEARCH FOUNDATION AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Phool Chand, petitioner is present in person.

Mr. Vikas Bali, Advocate,
for respondent No. 1.

AMARINDER SINGH GREWAL, J.

1. Prayer in the present Civil Revision Petition filed under Article 227 of the Constitution of India is for setting aside the impugned order dated 02.04.2024 (Annexure P-1), passed by the learned Additional District Judge, Ludhiana, in CM No. 657 of 2023, titled *Phool Chand vs. Mohan Dai Oswal Cancer Treatment and Research Foundation and another*, whereby the application for recalling of the order dated 08.10.2020, passed in Review Application No. 328 of 2020 by the learned predecessor, has been dismissed.

2. The brief facts of the case are that the petitioner, Phool Chand, son of Shiv Nath, filed Civil Miscellaneous Appeal No. 191, instituted on 18.12.2019 before the learned Additional District Judge, Ludhiana, against M/s Mohan Dai Oswal Cancer Treatment and Research Foundation, Sherpur Bypass, Ludhiana and another (respondents), i.e., Civil Appeal



under Section 17 of the Payment of Wages Act, 1936, seeking quashing of the order dated 13.12.2019 passed by the Authority under the Payment of Wages Act, 1936-cum-Assistant Labour Commissioner, Circle-6, Ludhiana (respondent No. 2).

2.1 The learned Additional District Judge, after appreciating the evidence, dismissed the Civil Appeal of the petitioner, vide order dated 31.07.2020 (Annexure P-4). Thereafter, the petitioner, Phool Chand, filed Civil Miscellaneous Application No. 26, instituted on 06.08.2020 under Section 114 of the Code of Civil Procedure, 1908 (for short '*the CPC*'), read with Section 151 thereof, praying for review of the judgment/order dated 31.07.2020 (Annexure P-4) before the Court of the learned Additional District Judge, Ludhiana. The learned Additional District Judge, Ludhiana, dismissed the said review application vide order dated 08.10.2020 (Annexure P-3).

2.2 Subsequently, the petitioner filed CM No. 657 of 2023 under Section 151 of the CPC before the learned Additional District Judge, Ludhiana, seeking recall of the order dated 08.10.2020 (Annexure P-3), passed in Review Application No. 328 of 2020 by the learned predecessor. The learned Additional District Judge, Ludhiana, dismissed the said application vide order dated 02.04.2024 (Annexure P-1), which is now under challenge. While doing so, the learned Additional District Judge held that the appropriate course available to the applicant is not to agitate the matter repeatedly before the same Court under successive review jurisdictions, but to approach the superior Courts.



3. The petitioner, who is appearing in person, submits that the review application was dismissed by the learned lower Court illegally, on the ground that the judicial records of December 2019 were sent only in January 2021. It is further submitted that an RTI was filed, in response to which it was stated that no such record was found. Thus, it is submitted that the learned Additional District Judge failed to appreciate the aforesaid facts and wrongly dismissed the review application, vide order dated 02.04.2024 (Annexure P-1).

4. To the contrary, learned counsel for the respondents has submitted that the petitioner has approached this Court for the fifth time, and that both the petitioner and the respondents had earlier approached the Hon'ble Supreme Court, where the petitioner's case was dismissed by filing a writ petition. It is contended that the petitioner is taking undue liberty merely because he is appearing as a party in person. Once the appeal has already been decided and no error has been found therein, the petitioner cannot seek review solely on the basis of the RTI reply, particularly when no ground has been raised in the review application that falls within the settled principles governing review.

5. I have heard learned counsel for the parties and perused the paper-book.

6. Section 114 of the CPC is reads as under:-

“114. Review.— Subject as aforesaid, any person considering himself aggrieved—

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



(b) by a decree or order from which no appeal is allowed by this Code, or

(c) by a decision on a reference from a Court of Small Causes, may apply for a review of judgment to the Court which passed the decree or made the order, and the Court may make such order thereon as it thinks fit.”

7. Coming to the facts of the present case, this Court is of the view that the contentions raised by the petitioner have already been considered by the learned Additional District Judge on multiple occasions while dismissing his review applications. It is well settled that a review may be granted only upon discovery of new and important matter or evidence which, after the exercise of due diligence, was not within the knowledge of the applicant and could not be produced at the time of passing of the original order. Further, a review is permissible if there is a mistake or error apparent on the face of the record.

8. The Hon'ble Supreme Court of India, in *Northern India Caterers (India) Ltd. v. Lt. Governor of Delhi*, (1980) 2 SCC 167, held that a review petition cannot be treated as an appeal *in disguise*, meaning thereby that the jurisdiction of review is limited and cannot be invoked to re-argue the entire case as if it were an appeal.

9. Further, the Hon'ble Supreme Court, in *Kamlesh Verma v. Mayawati and others*, 2013 (4) RCR (Civil) 75, reiterated that repetition of old arguments, rehearing of the matter, or mere disagreement with the verdict cannot be grounds for review.

10. Applying the aforesaid principles to the facts of the present case, it is evident that the petitioner has, time and again, filed review applications before the learned Additional District Judge, Ludhiana. The



learned Additional District Judge, Ludhiana, in the impugned order dated 02.04.2024 (Annexure P-1), has rightly concluded that the petitioner cannot be permitted to agitate the matter repeatedly before the Court under the garb of review jurisdiction.

11. Thus, this Court finds no merit in the prayer for setting aside the order dated 02.04.2024 (Annexure P-1), passed by the learned Additional District Judge, Ludhiana.

12. Finding no illegality in the order dated 02.04.2024 (Annexure P-1), the present revision petition, being devoid of merit, is accordingly dismissed.

13. Pending miscellaneous application(s), if any, shall also stand disposed of.

SEPTEMBER 04, 2025
nitin

(AMARINDER SINGH GREWAL)
JUDGE

Whether Speaking	Yes
Whether Reportable	No