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FAO-4937-2024 (O&M)
BRIJ GOPAL GUPTA V/S PAPPU & ORS

Present:- Mr. Vaibhav Parashar, Advocate
for the appellant/applicant.

RA-137-2025

Present Review Application is filed by the appellant seeking review of order dated 07.08.2025 passed by this Court in FAO-4937-2024 titled as "Brij Gopal Gupta Vs. Pappu & Ors.", thereby dismissing the Appeal filed by the review-applicant.

2. Learned counsel for the review-applicant submits that the order dated 07.08.2025 deserves to be reviewed on account of the fact that the impugned Award has been passed without framing issues and without opportunity for evidence to the review applicant-appellant. It is submitted that the review-applicant was prejudiced as he could not lead specific evidence or advance focused arguments to rebut the allegation of contributory negligence; and therefore, manifest injustice has been caused to the review-applicant. It is accordingly prayed that the order dated 07.08.2025 be reviewed.

3. No other argument is made on behalf of the review applicant.

4. I have heard ld. counsel and perused the case file in detail.

5. Perusal of Grounds of Appeal filed by the review-applicant in the FAO-4937-2024 reveals that the appellant took no such ground as argued above.

6. In any event, it is established position in law that a review application is not meant to permit the review-applicants to re-argue the entire case and raise the points that could have been raised during the initial hearing. As noted above, order dated 07.08.2025 was passed in the presence of learned counsel for the review applicant. Merely because the review-applicant failed to raise an argument at the time of hearing of the main matter, cannot constitute sufficient ground to review the order dated 7.8.2025. 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 07.08.2025. Rather, as noted above, by way of the present Review Application, the review applicant is seeking to reargue and reagitae the main appeal.

7. 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.”

8. In view of the above, no ground is made out to review the order dated 07.08.2025. Present application accordingly stands **dismissed**.

10.09.2025
Sunena

(Nidhi Gupta)
Judge