



RA-CR-69-2025 and
CM-10389-CII-2025 in CR-1143-2022

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RA-CR-69-2025 and
CM-10389-CII-2025 in CR-1143-2022

Date of decision: 29.07.2025

Parveen

...Review/Applicant

V/s

Neha Bhutani

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Parveen-applicant-petitioner in person
(through Video Conferencing).

SUMEET GOEL, J.

1. By way of the *application in hand*, preferred under Section 114 of the CPC, 1908 read with Section 151 of the CPC, 1908, the review-applicant beseeches this Court to review the order dated 12.12.2024, earlier passed by this Court, whereby the revision petition bearing No. CR-1143-2022 (hereinafter referred to as *main revision petition*'), preferred by the review-applicant against order dated 02.03.2022 passed by the learned Principal Judge, Family Court, Hisar (hereinafter referred to as the '*Family Court*'), stood dismissed for non-compliance of the orders earlier passed by this Court in the *main revision petition*.

2. Shorn of non-essential details, the relevant factual matrix of the *lis* in hand is adumbrated, thus:

(i) Vide order dated 02.03.2022, the *Family Court* had directed the review-applicant to pay to the respondent-wife Rs.30,000/- per month as



maintenance under Section 24 of the HMA, 1955 & Rs.21,000/- as litigation expenses.

(ii) Aggrieved against the order dated 02.03.2022 passed by the *Family Court*, the review-applicant approached this Court vide the *main revision petition* impugning the order dated 02.03.2022 passed by the *Family Court*. This Court, while considering the *main revision petition*, directed the Executing Court to defer the hearing of the execution petition subject to the review-applicant making part payment of maintenance arrears to the respondent-wife. Thereafter, on 23.08.2023, this Court had directed the review-applicant to clear 50% of the arrears on or before the next date of hearing fixed therein. However, the failure on part of the review-applicant to comply with the same continued.

(iii) Vide order dated 17.09.2024 passed by this Court, the parties were referred to the Mediation but to no avail. Thereafter, costs came to be imposed upon the petitioner (review-applicant herein) but the orders passed by this Court for making good the arrears were not complied with, despite having afforded multiple opportunities & thus, vide order dated 12.12.2024, the *main revision petition* came to be dismissed.

(iv) It is in this factual backdrop, the *application in hand* has come up for adjudication before this Court.

Submissions



3. The petitioner, appearing in person, chooses to present his own case despite having been afforded an opportunity to avail the services of a lawyer of his choice or a legal aid counsel.

The review-applicant has submitted that the assessment made by the *Family Court* regarding the quantum of maintenance is bereft of any material basis. The respondent-wife has made misleading statements which have led to passing of order dated 02.03.2022 by the *Family Court*. The petitioner has further submitted that he is under severe financial burden and was even compelled to take loan(s) to make the payment of maintenance amount but could not do so. The review-applicant has, thus, sought for grant of *application in hand*.

4. I have heard the review-applicant, who appears in person, and have perused the record.

Prime Issue

5. The seminal legal issue that arises for consideration is the scope, nature and extent of review jurisdiction as enshrined in the Civil Procedure Code, 1908.

The analogous issue that arises is as to whether the *application in hand*, seeking review of earlier order(s) passed by this Court, ought to be allowed in the factual matrix of the present case.

Relevant Statutory provisions

6. **The Code of Civil Procedure, 1908** (hereinafter to be referred as 'the C.P.C.)



Section 114 of C.P.C, 1908 reads as under:-

“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.”

Order XLVII, Rule 1 of CPC reads as under:

“1. Application for review of judgment — (1) Any person considering himself aggrieved, —

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

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

(c) by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment of the Court which passed the decree or made the order.

(2) A party who is not appealing from a decree or order may apply for a review of judgment notwithstanding the pendency of an appeal by some other party except where the ground of such appeal is common to the applicant and the appellant, or when, being respondent, he can present to the Appellate Court the case on which he applies for the review.

Explanation—*The fact that the decision on a question of law on which the judgment of the Court is based has been reversed or modified by the*



subsequent decision of a superior court in any other case, shall not be a ground for the review of such judgment.”

Case-Law

7. The precedent(s) germane to the matter in issue are, thus:

(i) In a judgment titled as ***Northern India Caterers (India) Ltd. vs. Lt. Governor of Delhi, 1980(2) SCC 167***, a Three Judge Bench of the Hon’ble Supreme Court has held as under:-

*“It is well settled that a party is not entitled to seek a review of a judgment delivered by this Court merely for the purpose of a rehearing and a fresh decision of the case. The normal principle is that 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. **Sajjan Singh v. State of Rajasthan, (1965) 1 SCR 933** at p. 948. For instance, if the attention of the Court is not drawn to a material statutory provision during the original hearing, the Court will review its judgment. **G. L. Gupta v. D. N. Mehta, (1971) 3 SCR 748** at p.760. The Court may also reopen its judgment if a manifest wrong has been done and it is necessary to pass an order to do full and effective justice. **O. N. Mohindroo v. Distt. Judge Delhi (1971) 2 SCR 11** at p.27. Power to review its judgments has been conferred on the Supreme Court by Article 137 of the Constitution, and that power is subject to the provisions of any law made by Parliament or the rules made under Article 145. In a civil proceeding, an application for review is entertained only on a ground mentioned in XLVII Rule 1 of the Code of Civil Procedure, and in a criminal proceeding on the ground of an error apparent on the face of the record. (Order XL rule 1, Supreme Court Rules, 1966). But whatever the nature of the proceeding, it is beyond dispute that a review proceeding cannot be equated with the original hearing of the case, and the finality of the judgment delivered by the Court will not be recognized except "where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility”.*



(ii) In a judgment titled as *S. Nagaraj vs. State of Karnataka, 1993(4) SCT 264*, a Three Judge Bench of the Hon'ble Supreme Court has held as under:-

“19. Review literally and even judicially means re-examination or re-consideration. Basic philosophy inherent in it is the universal acceptance of human fallibility. Yet in the realm of law the courts and even the statutes lean strongly in favour of finality of decision legally and properly made. Exceptions both statutorily and judicially have been carved out to correct accidental mistakes or miscarriage of justice. Even when there was no statutory provision and no rules were framed by the highest court indicating the circumstances in which it could rectify its order the courts culled out such power to avoid abuse of process or miscarriage of justice.”

(iii) More recently, the Hon'ble Supreme Court in a judgment titled as *S. Murali Sundaram vs. Jothibai Kannan & Ors, in Civil Appeal Nos.1167-1170 of 2023*, after considering a catena of decisions of review jurisdiction has summed up thus:

“(i) Review proceedings are not by way of appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 CPC.

(ii) Power of review may be exercised when some mistake or error apparent on the fact of record is found. But error on the face of record must be such an error which must strike one on mere looking at the record and would not require any long drawn process of reasoning on the points where there may conceivably be two opinions.

(iii) Power of review may not be exercised on the ground that the decision was erroneous on merits.

(iv) Power of review can also be exercised for any sufficient reason which is wide enough to include a misconception of fact or law by a court or even an advocate.

(v) An application for review may be necessitated by way of invoking the doctrine actus curiae neminem gravabit.”



8. The canonical principles delineating the purview of review jurisdiction, as enshrined in Section 114 and Order XLVII of the CPC, are incontrovertibly established and have been the subject of extensive judicial pronouncements. It is a fundamental tenet of our legal jurisprudence that the latitude of review is exceedingly circumscribed, strictly confining itself to the specific predicates meticulously enumerated in Order XLVII, Rule 1 of the CPC. This limitation underscores the extraordinary nature of the power, which is not intended to be a routine avenue for re-examining concluded matters as has been held by the Hon'ble Supreme Court in *Northern India Caterers* (supra), *S. Nagaraj* (supra), *S. Murali Sundaram* (supra). The prerogative of review, therefore, must be wielded with utmost circumspection, ever mindful that its exercise does not transmute into an appeal masquerading in different garb. This judicial vigilance is crucial to uphold the finality of judgments and prevent an endless cycle of litigation. As the adage goes, "*Interest reipublicae ut sit finis litium*" – it is in the public interest that there be an end to litigation. The Court is imperatively obligated to remain cognizant that the invocation of this power must eschew any re-examination of an issue on its substantive merits. To embark upon such a course would be to offend the settled judicial maxim, "*Res judicata pro veritate accipitur*"—a decided matter is taken for truth, thereby undermining the foundational principle that once a matter has been



adjudicated upon its merits and attained finality, it ought not to be reopened to vex the tranquility of judgment.

8.1. *Ergo*, it is indubitable that the power of review is not intended to re-litigate a cause that has been thoroughly argued and decided. Instead, its primary purpose is to correct manifest errors apparent on the face of the record, such as a clear mistake or error committed by the court, discovery of new and important matter or new evidence, or any other sufficient reason analogous to the preceding grounds. It is a remedial power, designed to ensure that justice is not thwarted by inadvertence, oversight, or patent error, rather than to provide a second opportunity for a party to re-argue points that have already been considered and decided by the Court.

Analysis (re facts of the present case)

9. Now this Court reverts to the facts of the present case to delve thereupon.

A meticulous perusal of the grounds articulated in the instant application conclusively reveals that, under the thin veil of seeking a review, the applicant has beseeched this Court to re-adjudicate the very lis on its substantive merits. Such a course of action is patently impermissible and falls squarely outside the strictly delineated ambit of review jurisdiction. The review-applicant has utterly failed to pinpoint any palpable defect, error apparent on the face of the record, or any analogous sufficient reason within the impugned order that would afford a legitimate occasion for this Court to exercise its extraordinary power of review and revisit its earlier



pronouncement. In essence, the application seeks a rehearing of issues already considered and decided, a plea that is antithetical to the finality of judicial pronouncements.

There is one more aspect of the case in hand, that warrants the attention of this Court. The *main revision petition* stood dismissed by this Court vide order dated 12.12.2024. The *application in hand* seeking review of the said order has, however, been instituted only on 13.05.2025, after an inordinate and unexplained *hiatus* of approximately six months. The review-applicant has not furnished any cogent or satisfactory explanation for this protracted delay. Such unexplained lapse, in the considered opinion of this Court, evinces a deliberate attempt on the part of the review-applicant to protract the proceedings & thereby postpone the discharge of his statutory obligation to maintenance. The conduct exhibited unmistakably betrays a lack of bona fides and appears designed to obviate and defeat the vested rights of respondent-wife flowing from the earlier order(s). This Court is therefore construed to observe that the *application in hand*, bereft of any credible justification for the delay, is a manifest exercise in dilatory tactics & does not merit indulgence.

This Court dismissed the *main revision petition* on 12.12.2024. Though, the said order is not under challenge, yet this Court has considered the merits of the *application in hand* as regards reviewing the same as well. Repeated opportunities were provided to the review-applicant to make part - payment of the arrears due to the respondent-wife. The matter was even



referred to the Mediation but to no avail. Even the costs imposed by this Court were not deposited by the review-applicant despite repeated opportunities. No cause much less cogent cause has been brought forth so as to satisfy this Court for review of the said order dated 12.12.2024.

Decision

10. In view of the prevenient ratiocination, it is directed as under:
- (i) The review application is dismissed.
 - (ii) No order as to costs.
 - (iii) Pending application(s), if any, stands disposed of accordingly.

**(SUMEET GOEL)
JUDGE**

July 29, 2025
Ajay