



CR-7641-2012 (O&M)

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

(111)

CM-21269-CII-2017
in/and CR-7641-2012
Date of decision:- 20.03.2025

Punjab State Electricity Board

... Petitioner

Versus

Malkiat Singh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Kanwaljeet Singh, Advocate and
Mr. Satvir Singh, Advocate for the applicant-respondent No.1.

Ms. Avin Sandhu, Advocate for the non-applicant/petitioner.

SUVIR SEHGAL, J. (ORAL)

1. With the consent of counsel for the parties, the main case is taken on board.
2. Instant revision petition has been filed under Article 227 of the Constitution of India assailing order dated 19.09.2012, Annexure P-1, passed by the learned Additional Civil Judge (Senior Division), Ludhiana, whereby an application for review of judgment and decree dated 01.09.2006, Annexures P-3 and P-4, respectively, has been dismissed.
3. On a specific query raised by this Court, in all fairness, counsel for the petitioner states that the instant revision petition is not maintainable. She has invited the attention of the Court to the judgment of the Supreme Court in **Rahimal Bathu and others Versus Ashiyal Beevi, 2023 SCC Online SC 1226**, wherein it has been observed as under:-



“25. What is clear from the above observations is, that where the review is allowed and the decree/order under review is reversed or modified, such an order shall then be a composite order whereby the court not only vacates the earlier decree or order but simultaneous with such vacation of the earlier decree or order, passes another decree or order or modifies the one made earlier. The decree so vacated, reversed or modified is then the decree that is effective for the purposes of a further appeal, if any, maintainable under law. But where the review petition is dismissed, there is no question of any merger and anyone aggrieved by the decree or order of the Tribunal or Court shall have to challenge within the time stipulated by law, the original decree and not the order dismissing the review petition. Time taken by a party in diligently pursuing the remedy by way of review may in appropriate cases be excluded from consideration while condoning the delay in the filing of the appeal, but such exclusion or condonation would not imply that there is a merger of the original decree and the order dismissing the review petition.

26. Apart from above, there is another reason also for a revisional court not to entertain a revision against an order rejecting on merits an application for review of an appealable decree, which is, if the revisional court sets aside or modifies or alters a trial court's decree, the decree of the trial court would merge in the one passed by the revisional court. In consequence, the right of the party aggrieved by the trial court's decree to file an appeal would get affected. Further, there may be a case where a person is aggrieved by a finding of the trial court on any issue, even though the trial court's decree may be in its favour. In that scenario, if there is an appeal by a party aggrieved by the decree, that person would have a right to take an objection against the adverse finding with the aid of the provisions of Order XLI, Rule 22 of the CPC, but in the event of there being no appeal against the decree, such a person would lose its right to take an objection, under Order XLI, Rule 22 of the CPC, against that adverse finding.”

4. As the revision petition is not maintainable, it is dismissed as such.
5. Placing reliance upon the judgments of the Supreme Court in *M/s Consolidated Engg. Enterprises Versus Principal Secy. Irrigation Deptt. and others, (2008) 7 SCC 169; Laxmi Srinivasa R and P Boiled Rice Mill*



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Versus State of Andhra Pradesh and another, 2022 SCC Online SC 1790 and
Purni Devi and another Versus Babu Ram and another, 2024 INSC 259,

counsel for the petitioner submits that as the petitioner has been pursuing a remedy before a wrong forum, petitioner is entitled to exclusion of period spent before this Court.

6. Liberty is granted to the petitioner to take recourse to the remedy available to it in accordance with law. Petitioner will also be at liberty to move an appropriate application before the competent Court seeking condonation of delay.

7. Pending application shall stands disposed off.

20.03.2025
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No