

**RA-RS No.55 of 2025 (O&M)**

-1-

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

117.

**RA-RS No.55 of 2025 (O&M) in  
RSA-2734-2025 (O&M)  
Date of Decision:12.09.2025**

Dara Singh and others

... Applicants-Appellants

Versus

Darbara Singh and others

... Respondents

**CORAM : HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL**

Present: Mr. Akshay Kumar Jindal, Advocate  
Mr. Abhishek Shukla, Advocate  
for the applicant-appellants.

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**AMARINDER SINGH GREWAL, J. (ORAL)****C.M. No.11314-C of 2025**

Application is allowed as prayed for.

Documents are taken on record, subject to all just exceptions.

**RA-RS No.55 of 2025**

1. The present review application under Order XLVII Rule 1 read with Sections 114 and 151 CPC has been filed by the applicants-appellants seeking review of the judgment dated 12.08.2025 passed by this Court in regular second appeal, which stood dismissed.

2. The primary ground on which the review is sought is that before the 1<sup>st</sup> Appellate Court, the applicants-appellants had filed an application under Order 41 Rule 27 CPC to lead additional evidence viz; proving memory card, pen drive, CD containing video regarding existing position of Khasra No.139 and passage situated in the East of Khasra No.139 by examining the proprietor of Ravi Studio. It is alleged that the said application remained undecided and was not adverted to while dismissing the appeal by the learned 1<sup>st</sup> Appellate Court. It is further



submitted that alleged encroachment on the part of the applicants-appellants was claimed on the basis of judgment and decree dated 06.08.2013 and on the basis of report of the local commissioner vide which the applicants-appellants were declared in illegal possession of six marlas and thus, a fresh demarcation ought to have been conducted. Further, in the present application, grounds as raised in the second appeal are reiterated.

3. Heard.

4. The additional evidence at the appellate stage is not to be admitted as a matter of right but only on satisfaction of the conditions under Order 41 Rule 27 CPC, namely: (a) the court from whose decree the appeal is preferred has refused to admit evidence which ought to have been admitted; (b) the party seeking to produce additional evidence establishes that notwithstanding due diligence such evidence was not within his knowledge or could not, after exercise of due diligence, be produced at the time of trial; or (c) the appellate court requires such evidence to pronounce judgment or for any other substantial cause. It is also not disputed that the law requires that such an application must ordinarily be disposed of at the time of hearing of the appeal, by a reasoned order, before or along with the final judgment.

5. However, the argument raised by learned counsel for the applicants-appellants with respect to non-consideration of application for producing additional evidence by the learned 1<sup>st</sup> Appellate Court, has no merit, as a perusal of grounds of regular second appeal before this Court clearly reveals that the said ground was not taken in the appeal itself and thus, by raising such argument in the review petition would tantamount to re-argue the appeal, which is not the scope of review under Order XLVII Rule 1 CPC.



6. It is trite that review jurisdiction is extremely limited. It cannot be invoked to re-argue or re-appreciate evidence, nor to substitute a possible different view. An “error apparent on the face of the record” must be manifest, self-evident and not one requiring elaborate arguments. The applicants-appellants cannot be allowed to reopen the appeal under the guise of review. The Hon’ble Supreme Court *Union of India v. Sandur Manganese & Iron Ores Ltd. (2013) 8 SCC 337* has laid down certain principles when the review will not be maintainable:-

*“(i) A repetition of old and overruled argument is not enough to reopen concluded adjudications.*

*(ii) Minor mistakes of inconsequential import.*

*(iii) Review proceedings cannot be equated with the original hearing of the case.*

*(iv) Review is not maintainable unless the material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice.*

*(v) A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected but lies only for patent error.*

*(vi) The mere possibility of two views on the subject cannot be a ground for review.*

*(vii) The error apparent on the face of the record should not be an error which has to be fished out and searched.*

*(viii) The appreciation of evidence on record is fully within the domain of the appellate court, it cannot be permitted to be advanced in the review petition.*

*(ix) Review is not maintainable when the same relief sought at the time of arguing the main matter had been negatived.”*

7. There is no explanation as to why aforesaid ground could not be taken by the applicants-appellants in the regular second appeal itself; whereas



other grounds as taken in the regular second appeal have already been dealt with by this Court in the judgment dated 12.08.2025, which is sought to be reviewed.

8. No ground is made out to exercise the limited scope of review jurisdiction by this Court. Consequently, the review application is dismissed.

**(AMARINDER SINGH GREWAL)**  
**JUDGE**

**September 12, 2025**

Pankaj\*

Whether speaking/reasoned	:	Yes/No
Reportable	:	Yes/No