

RA 182/91 in OA 1774/87

20.11.91

SH. LAKSHMI NARAYAN NIGAM VS. UNION OF INDIA

The applicant has filed the Review against the judgement dated 9.5.1991. The Review ordinarily lies on any of the following grounds :-

- (i) Discovery of new and important matter or evidence which after the exercise of due diligence was not with us in the knowledge or could not be produced by him at the time when the decree was passed or order made and it is of such a character that it might alter the judgement.
- (ii) Mistake or error either of fact or law or procedure apparent on the face of the record; it may or may not have been argued at the original hearing of the suit.
- (iii) There is other sufficient reason. This expression has to be understood ejusdem generis.

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The applicant sought the Review of the aforesaid judgement on the ground that the MP No.163/90 filed by him, has not been considered while giving the judgement, though it was ordered earlier that the said MP shall be considered alongwith the decision of the Original Application. The applicant has also taken certain grounds in para 7 (a) and (b) of the Review Application.

We have considered the whole matter alongwith the record of the case and the judgement under Review. What has been stated by the applicant for consideration of MP 163/90, though there is no specific order passed on that MP while disposing of the OA by the judgement dated 9.5.1991, it is evident that the relief claimed in the OA of quashing the impugned order of reversion dated 28.11.1987 was disallowed by detailed judgement. So it was not necessary to pass a specific order on the MP which became infructuous. Regarding the grounds taken in para 7 A and B, they are fully covered by the judgement and the grounds 7B-5 and 7B-6 are by themselves complete answers for the various grounds taken by the applicant for Review of the judgement wherein the applicant himself pointed out that there is a cause for reversion.

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We have gone through the record and the judgement in detail. There is no reason whatsoever to review the judgement dated 9.5.1991. The applicant in fact wants to reopen the matter all over again which cannot be permitted under law.

The Review Application, therefore, has no force and is dismissed by circulation.

J. P. Sharma
26.11.91
(J.P. SHARMA)

MEMBER(J)

D.K. Chakravorty
(D.K. CHAKRAVORTY)

MEMBER(A)