

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

(10)

R.A. No. 202 of 1991 in OA No. 1034/91

15-11-91

Mrs. Annie Johnson

Applicant

vs.

Union of India

Respondents

The applicant in this R.A. was the applicant in OA 1034/91 in which she had prayed for the alteration in her date of birth recorded with the Union of India. The O.A. was disposed of by judgment dated 30.9.91. The review application has been filed on two grounds:

(1) To consider new and important matters and evidence which could not be produced by her at the time of filing of the original application or during the course of the proceedings.

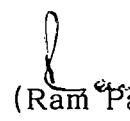
(2) The case of T. Pandurangam (1983 (2) SLJ 368) was wrongly applied in the case by the Tribunal. In the judgment, the facts were not properly and correctly appreciated.

2. It is settled that the provisions relating to power to review constitute an exception ^{to} the general rule that when once a judgment is signed and pronounced it cannot afterwards be altered or added to and hence the right of review is exercisable only where circumstances are distinctly covered by statutory exceptions. It is also settled that if the error is not apparent on the face of the record, then in its absence, the judgment cannot be reviewed. The power to review is a restricted power which authorises the court or the Tribunal which passed the judgment sought to be reviewed to look over through the judgment not in order to substitute a fresh or second judgment but in order to correct it or improve it because some material which it ought to have considered had escaped its consideration or failed to be placed before it for any other reason. The court cannot under cover of it arrogate to itself the power to decide the case over again because it now feels that the assessment of evidence etc. was faulty or even incorrect.

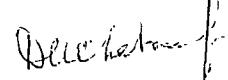
The judgment may also be reviewed on the ground of discovery of new and important matter or evidence which after the exercise of due diligence was not within the knowledge of the party or could not be produced by him at the time when the judgment was passed.

It is not the discovery of new and important evidence that entitles for a party to apply for review, but the discovery of any new and important matter which was not within the knowledge of the party when the judgment was made. The applicant nowhere in the review application has mentioned that these voluminous documents which are sought to be filed along with the review application were not within her knowledge in spite of using due diligence. It is also settled that a judgment cannot be reviewed because it has proceeded on an incorrect exposition of law or on a ruling which has subsequently been modified. The ground of review must be something which existed at the date of the judgment.

3. By this review application, the applicant prays for re-writing the judgment either on the new materials filed by her along with the R.A. or reevaluating the evidence already decided by the judgment in the O.A. The bulky review application is also vague and it appears that the applicant has not understood the true importance of the review jurisdiction. Assuming that the judgment is wrong in law, yet it cannot be reviewed on this ground. Evaluation of the evidence also cannot be reviewed. Furthermore, the review application is not accompanied by an affidavit. We, therefore, see no merit in this review application. Hence, it is dismissed.


(Ram Par Singh) 15. XI. 81

Vice-Chairman (J)



15/11/81

Hon'ble Shri D.K. Chakravorty, Member (A)