

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

23

R.A. No. 206 of 1992 in OA No. 2763 of 1991

U.O.I. Vs. P.L. Billa

This review application has been filed by the respondents counsel, Shri R.L. Dhawan for reviewing the judgment in O.A. No. 2763 of 1991, judgment dated 22.4.92. By this review application, Shri R.L. Dhawan is trying to reargue his case in great detail on law and facts. Review application cannot be filed on these grounds. The law with regard to review is well settled by now that after pronouncement of the judgment, the same cannot be reviewed as it acquires finality.


2. On perusal of the review application, it is clear that the petitioner has sought the rehearing of the case in the guise of the review petition. Review is a serious matter. The power of review is 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 right of review is exercisable only where the circumstances are distinctly covered by the statutory exceptions. Where a review of a judgment is asked for by a party, greatest care ought to be exercised by the court in granting the review, specially when the grounds lie on thin layer of ice. It is so easy to the party who has lost his case to see what the weak part of his case was and the temptation to try and procure evidence which will strengthen that weak part and put a different complexion upon that part of the case.

3. On the anvil of this settled position, we have examined our judgment on which review is sought. A judgment can also not be reviewed if it contains an incorrect exposition of law. A judgment once passed acquires finality and cannot be substituted by a fresh or a second judgment. The alleged errors pointed out by the petitioner are really not errors but a written argument to meet the points raised in the judgment. This review application appears to be bereft of any merit. However, while parting we may remind

Lambh.

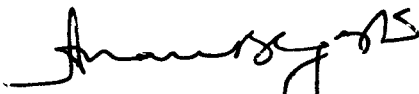
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ourselves of law laid down with regard to power of review by their Lordships of the Supreme Court in the case of Sow. Chandra Kante and Another vs. Sheikh Habib - 1975 (L&S) 184. The rehearing cannot be allowed to an unsuccessful party when he forwards his argument in the guise of a review petition. This review application has no force. It is, therefore, dismissed.


(RAM PAL SINGH)
VICE-CHAIRMAN
30.6.92

Hon'ble Member, Shri A.B. Gorthi

I agree.


(A. B. GORTHY)
Member (Adv.)