



2026:AHC:98805-DB

(AFR)

HIGH COURT OF JUDICATURE AT ALLAHABAD

CIVIL MISC REVIEW APPLICATION No. - 409 of 2024

State Of Up And 4 Others

.....Applicant(s)

Versus

Smt Krishna Singh

.....Opposite
Party(s)

Counsel for Applicant(s) : Pankaj Rai
Counsel for Opposite Party(s) : Sudhanshu Pandey

Court No. - 21

**HON'BLE MAHESH CHANDRA TRIPATHI, J.
HON'BLE PRASHANT KUMAR, J.**

1. Hon'ble Prashant Kumar, J. has joined the proceeding through video conferencing from Lucknow Bench of this Court.
2. Heard Shri Amit Saxena, learned Addl. Advocate General assisted by Shri Pankaj Rai, learned counsel for the applicants-respondents and Shri Sudhanshu Pandey, learned counsel for the opposite party-petitioner.
3. Shri Pankaj Rai, learned Addl. Chief Standing Counsel files the affidavit of compliance dated 30.04.2026 on behalf of Relief Commissioner, Revenue, Government of U.P., Lucknow-respondent no.2, which is taken on record.
4. This review application has been filed for reviewing the judgement and order dated 02.11.2023 in Writ-C No.31953 of 2023 (Smt. Krishna Singh v. State of U.P. & Ors.) by which the writ petition was disposed of in terms of judgment and order dated 03.10.2023 passed in Writ-C No.32178 of 2023 (Smt. Champa Devi v. State of U.P. & Ors.). For ready reference, the order dated 02.11.2023 is reproduced as under:-

*"1. Heard learned counsel for the petitioner and Sri Devesh Vikram, learned Additional
Chief Standing Counsel for the State-respondents.*

2. Present writ petition is preferred under Article 226 of Constitution of India with request to issue a writ, order or direction in the nature of mandamus directing the respondents to release the ex-gratia compensation of Rs.50 lacs to the petitioner in pursuance of the Government order dated 11.04.2020 in lieu of death of her husband Sri Vijay Bahadur Singh, Head Constable U.P. Police due to Covid-19 while performing public duties and engaged in ensuring the Covid-19 protocol within some stipulated time.

3. Earlier the matter was taken up on 19.9.2023 and on the said date the Court had proceeded to pass following order:-

"1. The matter relates to ex-gratia compensation.

2. At the very outset, Sri R.M.Upadhyay, learned Additional Chief Standing Counsel has placed the detailed instructions dated 18.9.2023 sent by the Deputy Commissioner of Police Headquarter Commissionerate Prayagraj, which is taken on record. On the basis of instructions, he submits that the matter is ceased before the State Government and some breathing time may be accorded so that fate of the said proceeding may be apprised on the next date of listing. On his request, the case is passed over for the day.

3. Put up this matter on 9.10.2023 as fresh. Needless to say, the claim of the petitioner must be processed on or before the next date of listing."

4. Learned Additional Chief Standing Counsel submits that adequate information has already been sent to the concerned authority through e-mail on 21.9.2023 and the instructions are still awaited. He submits that further time may be accorded so that the order dated 19.9.2023 may be complied with.

5. Per contra, learned counsel for the petitioner states that the issue in hand is already settled by the Division Bench vide order dated 3.10.2023 in Writ C No.32178 of 2023 (Smt. Champa Devi vs. State of U.P. and others), wherein similarly situated incumbents have already been given the benefit in the light of the Government Order dated 11.4.2020. In the present matter, the competent authority vide order dated 14.11.2022 has already made recommendation for according ex-gratia payment in favour of legal heirs of late Vijay Bahadur Singh, Head Constable (husband of the petitioner) and Surendra Kumar, Jail Warder, Naini, Prayagraj, whereas the ex-gratia payment has been made to the dependents of late Sri Surendra Kumar but in spite of the aforesaid recommendation, the respondents have not taken any remedial measures for according ex-gratia payment to the

petitioner till date. He has confined his prayer that the writ petition may be disposed of in the light of judgement in Smt. Champa Devi (supra).

6. Considering the facts and circumstances, we are of the view that no useful purpose would be served in keeping the present writ petition pending consideration and dispose of the writ petition in terms of our order dated 3.10.2023 passed in Smt. Champa Devi (supra)."

5. Shri Amit Saxena, learned Addl. Advocate General appearing on behalf of State-applicant has submitted that the Writ Court has passed the order in question only on the basis of instructions and has heavily relied upon the judgment passed by the Division Bench in Smt. Champa Devi (Supra). The judgment and order passed in Smt. Champa Devi (Supra) has already been challenged before the Apex Court and the matter is pending there for consideration. He submits that the case of the petitioner does not fall under the Government Order dated 11.4.2020 and as such the competent authority has rightly considered and negated the claim of the petitioner. He further submits that in case the order in question is not reviewed, heavy financial burden will be fastened upon the State exchequer, which would have very serious financial implications.

6. Per contra, learned counsel for the opposite party-petitioner has vehemently opposed the review application as well as the arguments so advanced by learned Addl. Advocate General. He has submitted that the order in question dated 02.11.2023 has been passed relying on and in terms of Smt. Champa Devi (Supra). He submits that the judgment in Smt. Champa Devi (Supra) has been passed on 03.10.2023 and the State Government had assailed the same before Hon'ble Supreme Court with inordinate delay on 24.04.2026, having Diary No.25155 of 2026, just to deprive the petitioner from her rightful claim, even though Smt. Champa Devi has already been extended the benefit. Without there being any order in the matter pending in the Supreme Court, the order in question dated 02.11.2023 as well as the judgment in Smt. Champa Devi (Supra) are still holding the field and as such no interference is required in the instant matter.

7. Learned counsel for the opposite party-petitioner further submits that looking to the extreme and horrifying working conditions during the period

of Covid-19, being a welfare State, the Government has issued the Government Order dated 11.04.2020 for giving immediate relief to the family of deceased employees, who had rendered their valuable service during that period. While issuing the said Government Order, the Government must have considered the financial implications and taken a conscious decision in this regard and as such at present the contention of financial implication is not justified.

8. Learned counsel for the opposite party-petitioner, in support of his submissions, has also placed reliance on successive Division Bench orders allowing the writ petitions and according relief to the petitioners (in the said writ petitions). In this regard, he has placed reliance on the judgment dated 29.05.2023 passed in Writ-C No.17575 of 2023 (Smt. Premlata Pandey v. State of U.P. & Ors.) passed by the Coordinate Bench, whereby the writ petition was allowed with following observations:-

".....9. Husband of the petitioner, Head Constable Ashok Kumar Pandey while working at Civil Airport Gorakhpur was involved in enforcement of COVID-19 protocol by ensuring social distancing among the passengers as well as forcing them to undergo corona test. Admittedly, there is no other force or employees except the policemen at airport who are deputed for this specific purpose. The State cannot make artificial distinction among its employees to depriving one class of employees from getting ex gratia compensation on their death despite the fact that they had received corona infection on duty during COVID-19 period. Every policeman or other government employee who has been discharging his duty during COVID-19 period for enforcing COVID-19 protocol will be deemed to be performing duty for prevention and protection of COVID-19 as mentioned in Government Order dated 11.4.2020 and if he dies because of corona infection during discharge of his duty then his dependents will be entitled to receive ex gratia compensation as per Government Order dated 11.4.2020.

10. In view of the above, husband of the petitioner Late Ashok Kumar Pandey (Head Constable) while working at Civil Airport Gorakhpur was involved in the duty of prevention, protection and treatment of COVID-19, therefore, on his death, the petitioner is entitled for ex gratia compensation as per the Government order dated 11.4.2020. The respondent No.1 is directed to release the ex gratia compensation of Rs.50,00,000/- to the petitioner within a period of one month from today.

11. With the aforesaid direction, the writ petition is allowed."

9. He has also placed reliance on the judgment dated 13.03.2024 in Writ-C No.1760 of 2024 (Gyan Prakash Chaturvedi v. State of U.P. & Ors), whereby the Coordinate Bench has not only allowed compensation of Rs.50 lacs within two months but also considering the delay of almost two years, provided interest @ 8% from the date of occurrence of death till the date of actual payment. For ready reference, the operative portion of the order dated 13.03.2024 is reproduced as under:-

".....5. Learned Additional Chief Standing Counsel states no further written instructions have been received. Counsel for the petitioner states the amount has yet not been paid.

6. In view of the fact that the amount is due and has remained outstanding for almost two years, no useful purpose would be served in keeping the writ petition pending any further. It cannot be denied that interest is a natural accretion on capital. On the other hand money loses value due to inflationary forces. Since, no dispute exists with respect to the payment, otherwise due to the petitioner, minimal interest must be provided, less money compensation awarded loses value and purpose.

7. Accordingly, the writ petition is allowed with the direction upon respondent no. 1 to ensure due payment is made to the petitioner in respect of compensation of Rs. 50 lacs within a period of two months from today together with interest @ 8 % from the date of occurrence of death till the date of actual payment. "

10. He has also placed reliance on recent Coordinate Bench order dated 17.04.2026 in Writ-C No.34909 of 2023 (Smt. Pushpa Devi v. State of U.P. & Ors.) by which the writ petition was allowed with following observations:-

".....12. In view of the above and in our considered view as well the employees working in the electricity department, water supply department, telephone department, police department and such other essential services departments who worked during covid period would be taken to be on covid duty as their discharge of duties helped the State Government in containing the spread of pandemic covid-19 virus, treatment of the patients and their protection by keeping them in confinement.

13. In view of the above, we are unable to sustain the order passed by the State Government giving a very narrow interpretation to the covid duty only confining those people, who were specially assigned to discharge their duties in treatment of people

physically in hospitals.

14. The writ petition succeeds and is allowed. The order dated 28.07.2023 passed by the State Government is hereby quashed. The State Government is directed to release the ex-gratia compensation to the petitioner within a period of 30 days from the date of presentation of certified copy of this order before it."

11. He has also placed reliance on the order dated 17.04.2026 passed in Writ-C No.13325 of 2023 (Mst Usha Maurya v. State of U.P. & Ors.) by which the writ petition was disposed of in terms of the order passed in Smt. Pushpa Devi (Supra). For ready reference, the order dated 17.04.2026 is reproduced as under:-

"1. Disposed of in terms of order passed today in Writ-C No.34909 of 2023.

2. The order dated 25.02.2023 passed by the State Government impugned in this petition is also hereby quashed. The State Government is directed to release the ex-gratia compensation to the petitioner within a period of 30 days from the date of presentation of certified copy of this order before it."

12. Heard rival submissions, perused the record and respectfully considered the judgments cited at Bar.

13. On the matter being taken up on 16.04.2026, we have proceeded to pass detailed order, the operative portion of which, for ready reference, is reproduced as under:-

".....3. It is pointed out by learned counsel for the petitioner/opposite party that the instant review application is preferred with inordinate delay of ten months and the affidavit is sworn by Naib Tehsildar, P.W.D., Tahsil Sadar, Prayagraj on behalf of the applicants/State respondents. The petitioner/opposite party had preferred Writ C No.31953 of 2023, arraying five State respondents i.e. State of U.P. through Principal Secretary, U.P. Govt. Lucknow; Relief Commissioner, Revenue Section-11, Govt. of U.P. Lucknow; Secretary Home (Police) Anubhag-10 U.P. Lucknow; District Magistrate/Chairman, District Disaster Management Authority, Prayagraj and Commissioner of Police, Prayagraj. Nothing is brought on record to indicate that the State respondents have accorded any permission on their behalf to swear the affidavit by the Naib Tahsildar. Moreover, no reason has been given as to under what

circumstances, after ten months the instant review application is preferred against the judgment and order dated 02.11.2023.

4. *Learned counsel for the petitioner/opposite party has placed a copy of the order dated 21.04.2025, wherein it is indicated that in response to the order dated 03.10.2023 passed in Smt. Champa Devi (supra), even though the Committee had rejected the claim but later on, the benefit has been accorded to Smt. Champa Devi, who is widow of late Kamlesh Singh Yadav. The same is taken on record.*

5. *Learned counsel for the petitioner-opposite party submits that similar matter is engaging attention of this Court in Writ C No.34909 of 2023 (Smt. Pushpa Devi vs. State of UP and 6 others), wherein the Coordinate Bench in its order dated 20.03.2026 had observed that the question, which needed to be resolved in the case, is as to whether those, who were assigned duties to provide essential services to the State Government and public at large, should not be benefited with the compensation under the relevant Government Order, because they were not specifically assigned COVID duty. The said observation had been made in the backdrop that a narrow interpretation of the Government Order, which itself is a beneficial piece of subordinate legislation, would be not only against the public interest but will also even hit Article 14 of the Constitution of India. In the said proceeding, various other departments and instrumentalities of the State are also stakeholders and question before the Division Bench is whether in the light of the Government order, the said benefit has to be extended by the department concerned. Accordingly, the affidavit had been asked from the Additional Chief Secretary, Revenue Department as well as the Chief Secretary of Uttar Pradesh.*

6. *We find that the Court had disposed of the Writ C No.31953 of 2023 filed by the petitioner/opposite party on 02.11.2023, relying upon the judgement and order dated 03.10.2023 passed in Writ-C No.32178 of 2023 (Smt. Champa Devi vs State of U.P. and 5 others) wherein the similar benefit has been extended in the light of a Government Order dated 11.04.2020. Admittedly, Smt. Champa Devi has been conferred with the benefit under the Government Order dated 11.04.2020.*

7. *Earlier the instant matter was taken up on 22.11.2024 and on the said date, we had accorded time to the learned counsel for opposite party/petitioner to file an objection to the review application. Again the matter was taken up on 09.05.2025 and on the request of Sri Manish Goyal, learned Additional Advocate General appearing for the applicants/State respondents, the matter was adjourned to enable him to get proper instructions.*

8. What we find is that just to meet out the inordinate delay and laches, a very noble device has been coined by the applicants/State respondents by convening the meeting on 26.06.2024 just to negate and reject the rightful claim of the petitioner/opposite party. The applicants/State respondents have considered the claims of heirs of late Kamlesh Singh Yadav, Constable P.A.C. District Deoria and heirs of late Vijay Bahadur, Constable, Police Department, Prayagraj. Even though the Committee has declined to accord any ex-gratia payment in the light of the Government Order but later on, the benefit has been extended. Under the guise of the meeting dated 26.06.2024, the respondents have declined to accord any relief to the opposite party/petitioner, who is a widow and suffering since long.

9. In the facts and circumstances, as placed before us, surprisingly what we find is that the District Magistrate, Prayagraj has initially made an endorsement in favour of the petitioner in the light of a Government Order but just to circumvent the order passed by the Division Bench, later on, after eight months, the meeting was convened and rights of the petitioner have been denied. Such practice cannot be accepted.

10. Let the Relief Commissioner, Revenue, Govt. of U.P. Lucknow file personal response in the matter so that we can proceed to consider the claim of the opposite party/petitioner.

11. On the request of Sri Manish Goel, learned Additional Advocate General assisted by Sri Pankaj Rai, learned Additional Chief Standing Counsel, the matter is adjourned today.

12. Put up again on 30.04.2026 at 03.45 p.m. for further orders."

(Emphasis supplied)

14. In the instant proceeding, we find that while disposing of the instant writ petition, two other writ petitions of similar nature were also disposed of on same terms. Later on along with the instant review application two other review applications namely Review Application No.348 of 2024 (State of U.P. & Ors. v. Smt. Sanju Yadav) as well as Review Application No.410 of 2024 (State of U.P. & Ors. v. Smt. Champa Devi) were also filed separately. Meanwhile, Review Application No.348 of 2024 and Review Application No.410 of 2024 were dismissed as not pressed on 09.05.2025 on the statement of Shri Manish Goel, learned Addl. Advocate General appearing on behalf of the State that the benefit is already extended to the petitioners in the light of Writ Court Order. For ready reference, the order dated

09.05.2025 passed in Review Application No.410 of 2024 (State of U.P. & Ors. v. Smt. Champa Devi) is reproduced as under:-

"1. Mr. Manish Goel, learned Additional Advocate General appearing on behalf of State submits that in the instant matter, benefit is already extended to the petitioner in the light of Division Bench judgment of this Court dated 03.10.2023 passed in Writ-C No. 32178 of 2023; Smt. Champa Devi vs. State of U.P. and others, as such the present review petition may be dismissed as not pressed.

2. Learned counsel appearing for opposite party does not dispute the aforesaid fact as argued by learned counsel for the applicant.

3. Accordingly, the present review application is dismissed as not pressed."

15. We are surprised to note that on one hand the State Government has complied with the Writ Court order in Smt. Champa Devi (Supra) and accorded financial benefit to her and on the other hand they had challenged the Writ Court order in Smt. Champa Devi (Supra) before the Supreme Court with inordinate delay on 24.4.2026. In such circumstances, no plausible reason is before us to discriminate the petitioner (Smt. Krishna Singh) from getting her rightful claim and, therefore, no case is made out to review our order dated 02.11.2023 in the instant review application, which has been passed in terms of Smt. Champa Devi (Supra).

16. We also find that the scope and ambit of the review under Article 226 of the Constitution of India, in reviewing its own order, is very limited. The review application can be allowed only on (1) discovery of new and important matter of evidence which, after exercise of due diligence, was not within the knowledge of the person seeking review, or could not be produced by him at the time when the order was made, or (2) when some mistake or error on the face of record is found, or (3) on any analogous ground. Review is not permissible on the ground that the decision was erroneous on merits as the same would be the province of an Appellate Court.

17. In the case of **Shivdeo Singh v. State of Punjab**, AIR 1963 SC 1909, Hon'ble Apex Court took the view that there is nothing under Article 226 of

the Constitution of India, which precludes High Court from exercising the power of review, which inheres in every Court of plenary jurisdiction to prevent miscarriage of justice or to correct grave and palpable errors committed by it. It was held that the power of review under Article 226 of the Constitution of India, in reviewing its own orders, every Court including High Court inheres plenary jurisdiction, to prevent miscarriage of justice or to correct grave and palpable errors committed by it.

18. Hon'ble Apex Court in the case of **Aribam Tuleshwar Sharma v. Aribam Pishak Sharma and others**, 1979 (4) SCC 389, has cautioned that power of review of the High Court is not the same as appellate powers and review on the ground that certain documents have not been considered, which formed the record, cannot be ground of Review. Hon'ble Apex Court in the case of **Meera Bhanja v. Nirmla K. Chaudhary**, 1995 (1) SCC 170, has taken the view that review must be confined to error apparent on the face of record, error must be such as would be apparent on mere looking without any long drawn process of reasoning, and reappraisal of evidence on record for finding out error would amount to exercise of appellate jurisdiction, which is not at all permissible.

19. In the case of **Satyanarayan Laxminarayan Hegde v. Mallikarjun Bhavanappa Tirumale**, AIR 1960 SC 137, Hon'ble Supreme Court has made the following observations in connection with an error apparent on the face of the record :-

"An error which has to be established by a long drawn process of reasoning on points where there may conceivably be two opinions can hardly be said to be an error apparent on the face of the record. Where an alleged error is far from self-evident and if it can be established, it has to be established, by lengthy and complicated arguments, such an error cannot be cured by a writ of certiorari according to the rule governing the powers of the superior Court to issue such a writ.

In our view the aforesaid approach of the Division Bench dealing with the review proceedings clearly shows that it has overstepped its jurisdiction under Order 47, Rule 1, C.P.C. By merely styling the reasoning adopted by the earlier Division Bench as suffering from a patent error. It would not become a patent error or error apparent in view of the settled legal position indicated by us earlier. In substance, the review Bench has re-appreciated the entire evidence, sat almost as Court of appeal and has reversed the

findings reached by the earlier Division Bench Even if the earlier Division Bench findings regarding C.S. Plot No. 74 were found to be erroneous, it would be no ground for reviewing the same, as that would be the function of an appellate Court. Learned counsel for the respondent was not in a position to point out how the reasoning adopted and conclusion reached by the Review Bench can be supported within the narrow and limited scope of Order 47, Rule 1, C.P.C. Right or wrong, the earlier Division Bench judgment had become final so far as the High Court was concerned. It could not have been reviewed by reconsidering the entire evidence with a view to finding out the alleged apparent error for justifying the invocation of review powers. Only on that short ground, therefore, this appeal is required to be allowed. The final decision dated 8th July, 1986 of the Division Bench dismissing the appeal from appellate decree No.569 of 1973 insofar as C.S. Plot No. 74 is concerned as well as the review judgment dated 5th September, 1984 in connection with the very same plot, i.e. C.S. Plot No. 74 are set aside and the earlier judgment of the High Court dated 3rd August, 1978 allowing the Second Appeal regarding suit plot No. 74 is restored. The appeal is accordingly allowed. In the facts and circumstances of the case, there will be no order as to costs."

20. **In Parsion Devi and others v. Sumitri Devi and others**, 1997 (8) J.T. SC 480, Hon'ble Supreme Court has taken the view that review proceeding has to be strictly confined to the ambit and scope of Order 47, and therein the two earlier judgments referred to above have been relied upon. Again in **Smt. Meera Bhanja v. St. Nirmala Kumari Choudhary**, 1985 (1) SCC 170, while quoting this approval a passage from **Aribam Tuleshwar Sharma v. Aribam Pishak Sharma & Ors.** (1979 (4) SCC 389, Hon'ble Supreme Court once again held that review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 CPC.

21. Hon'ble Apex Court, in the case of **Lily Thomas v. Union of India**, AIR 2000 SC 1650, after considering the dictionary meaning of word "review" has taken the view that power of review can be exercised for correction of mistake and not to substitute a view. Such powers can be exercised within the limits of the statute, dealing with exercise of power; the review cannot be treated as an appeal in disguise, and mere possibility of two views on the subject is not a ground of Review.

22. Hon'ble the Apex Court in **Subhash Vs. State of Maharastra &**

another, AIR 2002 SC 2537, the Apex Court emphasized that Court should not be misguided and should not lightly entertain the review application unless there are circumstances falling within the prescribed limits for that as the Courts and Tribunal should not proceed to re-examine the matter as if it was an original application before it for the reason that it cannot be a scope of review. In **State Haryana v. Mohinder Singh**, JT 2002 (1) 197, the Apex Court disapproved the judgment of High Court, wherein earlier writ petition was disposed of by High Court being infructuous and giving some directions, and subsequent to the same, Review was sought, which was allowed, same was clearly termed to be overstepping of jurisdiction, and amounting to giving of one more chance of hearing.

23. In the case of **Union of India v. B. Valluvar**, 2006 (8) SCC 686, Hon'ble Apex Court has again considered the parameters of review jurisdiction of High Court, that same shall be exercised within the limitations as provided under Section 114 read with Order 47 Rule of C.P.C., and without recording finding as to there existed error apparent on the face of the record, merit cannot be gone into. Hon'ble Apex Court in the case of **State of Haryana and others v. M.P. Mohila**, 2007 (1) SCC 457, has taken the view that in the garb of clarification application, recourse to achieve the result of review application, cannot be permitted, as what can not be done directly, cannot be done indirectly.

24. In **Kamlesh Verma Vs. Mayawati and others** 2013 (8) SCC 320, the Apex Court said:

"19. Review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of CPC. In review jurisdiction, mere disagreement with the view of the judgment cannot be the ground for invoking the same. As long as the point is already dealt with and answered, the parties are not entitled to challenge the impugned judgment in the guise that an alternative view is possible under the review jurisdiction.

Summary of the Principles:

20. Thus, in view of the above, the following grounds of review are maintainable as stipulated by the statute:

20.1. When the review will be maintainable:-

(i) *Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the petitioner or could not be produced by him;*

(ii) *Mistake or error apparent on the face of the record;*

(iii) *Any other sufficient reason.*

The words "any other sufficient reason" has been interpreted in Chhajju Ram vs. Neki, AIR 1922 PC 112 and approved by this Court in Moran Mar Basselios Catholicos vs. Most Rev. Mar Poulose Athanasius & Ors., AIR 1954 SC 526, to mean "a reason sufficient on grounds at least analogous to those specified in the rule". The same principles have been reiterated in Union of India vs. Sandur Manganese & Iron Ores Ltd. & Ors., 2013 (8) SCC 337.

22.2. *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." (emphasis supplied)*

25. On the touchstone of the dictum noted above, the review is permissible

only when there is error apparent on the face of record i. e. error should be grave and palpable, and the error must be such as would be apparent on mere looking of record, without requiring any long drawn process of reasoning, and reappraisal of entire evidence for finding the error, as the same would amount to exercise of appellate jurisdiction. Further, the review lies only on the grounds mentioned in Order 47, Rule 1 read with Section 141 CPC. The party must satisfy the Court that the matter or evidence discovered by it at a subsequent stage could not be discovered or produced at the initial stage though it had acted with due diligence. A party filing a review application on the ground of any other "sufficient reason" must satisfy that the said reason is analogous to the conditions mentioned in the said provision of C.P.C.

26. Perusal of judgment under review passed by us shows that each and every aspect of the matter has been considered and thereafter, the writ petition in question was disposed of and there appears no apparent mistake in the judgment under review. Neither review court can examine the merits of the judgment as an appellate court nor in the garb of review petition, a re-hearing of the matter can be permitted by this Court.

27. Consequently, the review application is **rejected**.

(Prashant Kumar,J.) (Mahesh Chandra Tripathi,J.)

April 30, 2026

SP/