

**By Circulation
Court No. 1**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

REVIEW APPLICATION NO. 37 OF 2018

**(M.A.No. 2162 of 2017 with M.A.No. 702 of 2018)
Inre: O.A. No. Nil of 2017**

Wednesday, the 09th day of May, 2018

**Hon'ble Mr. Justice S.V.S. Rathore, Member (J)
Hon'ble Air Marshal B.B.P. Sinha, Member (A)**

1. Brig LV Ramakrishna (Retd) IC-7477)
S/o Late Shri LV Subba Rao,
R/o F-1, Lakshmi Kohinoor Residency,
Plot No.26, Navodaya Colony, Road No.14,
Banjara Hills, Hyderabad-500034 (Telangana).
..... Applicant

By Legal Practitioner – Col R.A.Pandey (Retd), Learned Counsel
for the Applicant.

Versus

1. Union of India through the Secretary,
Government of India,
Ministry of Defence,
DHQ PO New Delhi-110011.
2. The Chief of Army Staff, South Block,
DHQ PO New Delhi-110011.
3. The Principal Controller of Defence Accounts (Officers),
Golibar Maidan, Pune-411001.
4. The Principal Controller of Defence Accounts (Pensions),
Drapaudi Ghat, Allahabad-211014.

.....Respondents

ORDER

1. The applicant has filed this Review Application under Order XLVII of the C.P.C. read with Section 14(f) of the Armed Forces Tribunal Act, 2007. The matter came up before us by way of Circulation as per provisions of Rule 18 (3) of the Armed Forces Tribunal (Procedure) Rules, 2008, whereby the applicant has prayed for review and setting aside of the order dated 19.04.2018 passed in M.A.No. 2162 of 2017 with M.A.No. 702 of 2018 (inre O.A.No. Nil of 2017), by means of which this Court had dismissed the Original Application as not maintainable with liberty to the Applicant to file the O.A. before the appropriate forum.

2. Review Application No. 37 of 2018 seeks review of the order dated 19.04.2018 passed in M.A.No. 2162 of 2017 with M.A.No. 702 of 2018 (inre O.A.No. Nil of 2017) by the Bench comprising of Justice S.V.S. Rathore, Member (J) and Air Marshal B.B.P. Sinha, Member (A).

3. By the impugned order under review, the Bench held that this Tribunal has no jurisdiction as no cause of action or part of cause of action arose within the territorial jurisdiction of this Tribunal. Apart from it, the applicant, after his retirement, has settled in Hyderabad and not at a place within the jurisdiction of this Tribunal. By means of this Review Application, the applicant has tried to impress that a part of cause of action has arisen within the jurisdiction of this Tribunal, but we do not find any substance in this submission. The reasons thereof, were given in detail in the order under review.

4. We have gone through the grounds and reasons indicated in the Review Application. In our considered opinion, the grounds urged in support of the application do not appear to be germane; rather they are casual in nature.

5. That apart, it is a settled proposition of law that the scope of the review is limited and until it is shown that there is error apparent on the face of record in the order sought to be reviewed, the same cannot be reviewed. For ready reference, Order 47, Rule 1 sub-rule (1) of the Code of Civil Procedure is reproduced below:-

“1. Application for review of judgment.- (1) any person considering himself aggrieved-

(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,

(b) by a decree or order from which no appeal is allowed, or

(c) by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order.”

6. In view of the principles of law laid down by the Hon’ble Supreme Court in various decisions, it is settled that the scope of review jurisdiction is very limited and re-hearing is not permissible. Hon’ble the Supreme Court in Para 9 of its judgment in the case of **Parsion Devi and others vs. Sumitri Devi and others**, reported in (1997) 8 Supreme Court Cases 715, has observed as under :-

“9. Under Order 47, Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under Order 47, Rule 1 CPC. In exercise of the jurisdiction under Order 47, Rule 1 CPC it is not permissible for an erroneous decision to be "reheard and corrected". There is a clear distinction between an erroneous decision and an error apparent on the face of the record. While the first can be corrected by the higher forum, the latter only can be corrected by exercise of the review jurisdiction. A review petition has a limited purpose and cannot be allowed to be "an appeal in disguise."

7. We have also gone through the order sought to be reviewed. Even from the grounds taken therein, no illegality or irregularity or error apparent on the face of record has been shown to us so as to review the aforesaid order of this Court. We are of the considered view that there is no error apparent on the face of record in

the impugned order dated 19.04.2018, which may be corrected/reviewed in exercise of review jurisdiction.

8. Accordingly, Review Application No.37 of 2018 is hereby rejected.

(Air Marshal B.B.P. Sinha)
Member (A)

(Justice S.V.S. Rathore)
Member (J)

Dated: May 09, 2018
PKG