

**By Circulation
Court No. 2**

ARMED FORCES TRIBUNAL REGIONAL BENCH, LUCKNOW

Review Application No. 04 of 2018

In Re: T.A. No. 1224 of 2010

Friday, the 19th day of January, 2018

**“Hon’ble Mr. Justice S.V.S. Rathore, Member (J)
Hon’ble Lt. Gen. Gyan Bhushan, Member (A)”**

Ravindra Nath Sharma son of Sri Ram Sewak Sharma, resident of village Gurumha, Post Maryadpur, District Mau

....Petitioner

Versus

1. Union of India through the Secretary Defence Army Headquarters, Sena Bhawan, New Delhi.
2. The Principal Controller of Defence Accounts (Pension) Allahabad.
3. Senior Accounts Officer, Controller of Defence Accounts (Pension) Allahabad.
4. Senior Treasury Officer Mau.
5. Union Bank of India, through its Branch Manager, Maryadpur Branch, Mau.

.....Respondents

ORDER

1. The applicant has filed this Review Application under Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008 alongwith an application for condonation of delay. The matter came up before us by way of Circulation as per provisions of Rule 18 (3) of the Armed Forces Tribunal (Procedure) 2008.

2. By means of this application, the applicant has prayed that this Hon,ble Tribunal may kindly be please to admit and allow this review petition by modify the judgment and order dated 30.11.2017 passed by this Hon'ble Tribunal in Transferred Application No. 1224 of 2010 (Ravindra Nath Sharma Vs Union of India and Others).

3. As per stamp reporter's report, the application is delayed by 14 days. Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008 postulates that no application shall be entertained beyond the period of thirty days from the date of receipt of copy of the order sought to be reviewed. Review Application No. 04 of 2018 seeks review of the order dated 30.11.2017 passed in T.A. No. 1224 of 2010. Admittedly, the Review Application has been filed beyond the period of 30 days; as such it is not entertainable.

4. It is settled proposition of law that the scope of the review is limited and the applicant has to show that there is error apparent on the face of the record. For ready reference the 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 by this Code, 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 of the Court which passed the decree or made the order.”

5. 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 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."

6. In the instant case, the details mentioned in the review application had already been taken into consideration and discussed in detail and thereafter the order was passed. In view of the principle of law laid down by Hon’ble the Apex Court in the case of **Parsion Devi and Others** (supra), we are of the considered view that there is no error apparent on the face of record in the impugned order dated 30.11.2017, which may be corrected in exercise of review jurisdiction.

7. Accordingly, the application for condonation of delay (M.A. No. 115 of 2018) as well as Review Application No. 04 of 2018 are hereby rejected.

(Lt Gen Gyan Bhushan)
Member (A)
 Dated : January, 2018
 RS/-

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