

ARMED FORCES TRIBUNAL REGIONAL BENCH, LUCKNOW**Review Application No. 08 of 2017****In Re: Dy. No. 1834 of 2016**

Wednesday, this the 24th day of January, 2018

**“Hon’ble Mr. Justice S.V.S. Rathore, Member (J)
Hon’ble Air Marshal BBP Sinha, Member (A)”**

Arun Sharma

vs.

Union of India & Ors

ORDER

1. The case was taken up in the Court. No one appeared on behalf of the applicant to press this Review Application which as per office report, is delayed by 06 months. We have ourself perused the order under review.
2. By means of this Review Application, filed under Rule 18 (3) of the AFT (Procedure) Rules 2008, the applicant has made a prayer to review order dated 09.08.2016 passed in Dy. No. 1834 of 2016 by the Bench comprising Hon’ble Mr. Justice, D.P. Singh (Member J) and Hon’ble Air Marshal Anil Chopra (Member A). Since both the members have already demitted their office, therefore, we proceeded with this Review Application.
3. Perusal of the order under review shows that this order was passed with the consent of the parties and direction was given to the respondents to serve show cause notice upon the applicant duly signed by the competent authority.
4. We have gone through the grounds and reasons indicated in the affidavit filed in support of the application and have also gone through order sought to be reviewed. The order sought to be reviewed was passed with the consent of parties.. There appears no illegality or irregularity or error apparent on the face of record.

5. 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.”

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 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. 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 09.08.2016, which may be corrected in exercise of review jurisdiction.

8. In view of the above, Review Application has no merit and deserves to be dismissed. Accordingly, the Review Application No. 08 of 2017 is dismissed. There shall be no order as to costs. The Applicant may be informed accordingly.

(Air Marshal BBP Sinha)
Member (A)

Dated : January, 2018
SB

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