

disability pension to the applicant from the date the service element of pension was last stopped in 2914. Additionally, the benefit of rounding off of the disability element to the applicant from 20% to 50% is to be extended to him from 01.01.1996. The amount due over such benefits along with arrears should be paid within a period of four months from the date of receipt of a copy of this order, failing which the unpaid amount will carry a simple interest at the rate of 8% per annum.”

3. Any other attempt of Court except an attempt to correct an apparent error or an attempt not based on any ground mentioned in Order 47 Rule 1 and 2 CPC, would amount to an abuse of power to review its judgment, vide, (1999) 9 SCC 596 ***Ajit Kumar Rath, Vs. State of Orissa.***

4. The law on Review is well enunciated that the scope of Review is limited. The Review Application can be heard if there is error apparent on the face of record. In connection with it, Order 47 Rule 1 Sub Rule (1) of the Code of Civil Procedure being relevant 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. Power of review conferred on the Court may be exercised when error is apparent at the face of record under Order 47 Rule 1 and 2 of CPC. It is the statutory power conferred on Court. It is neither inherent power nor a power to re-appreciate the evidence, vide (2000) 6 SCC 224: ***Lily Thomas vs. Union of India.***

6. It must be borne in mind that review is perfectly distinguished from an appeal i.e.; quite clear from statutory provision (Order 47 Rule 1 of CPC) that the primary intention of granting a review is the reconsideration of the same subject by the same Judge as contra-distinguished to an appeal which is a hearing before another Tribunal, vide (2005) 2 SCC 334 ***Ishwar Singh, Vs. State of Rajasthan.***

7. In sum and substance, review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected, but lies only for patent error where without any elaborate argument one could point to the error and say here is a substantial point of law which states one in the face, and there could reasonably be no two opinion entertained about it, a clear case of error apparent on the face of the record would be

made out vide, (2006) 4 SCC 78 **Haridas Das. Vs. Usha Rani Banik.**

8. In (2008) 9 SCC 612: **State of west Bengal and others. Vs. Kamal Sen Gupta**, their lordships of Hon'ble Supreme Court held that error apparent at the face of record means mistake which prima facie is visible and does not require any detailed examination

9. In (1995) 1 SCC 170: **Meera Bhanja (Smt.). Vs. Nirmala Kumari Chaudhary (Smt.)** followed by (1997) 8 SCC 715: **Parsion Devi Vs Sumitri Deviu**, their lordships of Honible Supreme Court held that power of review does not mean to exercise de novo hearing except the error apparent at the face of record in view of Order 47 Rule 1 of CPC.

10. In JT 2012 (12) SC 565: **Akhilesh Yadav Vs. Vishwanath Chaturvedi** and others, their Lordships of Hon'ble Supreme Court held that an erroneous decision in itself does not warrant a review of each decision in absence of error apparent at the face of record.

11. It may be noted that the respondent-applicant was granted disability element up to a limited period which was extended further but he was granted service element for life vide order dated 10.03.1983 (**Annexure No 3 to the O.A.**).

12. As a result of foregoing discussion, the Review Application is liable to be dismissed. It is accordingly **dismissed**.

There shall be no order as to costs.

(Air Marshal BBP Sinha)
Member (A)

(Justice SVS Rathore)
Member (J)

Date : 06 Jul 2018

GSR/-