

RAVI KARAN SINGH KAHLON v. STATE OF PUNJAB,(2022-1)205 PLR 515

PUNJAB AND HARYANA HIGH COURT

Before: Mr. Justice Fateh Deep Singh.

RAVI KARAN SINGH KAHLON – Petitioner,

Versus

STATE OF PUNJAB and others – Respondents.

RA-CW-122-2021 in CWP-1201 of 2021

CPC, Order 47 Rule 1 , Section 151 - Court of review has only limited jurisdiction circumscribed by definite limits which are well enshrined in Order 47 CPC - Review is not an appeal in disguise and can be referred to only in the rarest of rare cases when apparently, there has been miscarriage of justice and right has been denied in spite of exercise of due diligence and cannot be used to by pass an order which has already been passed by the Court - Constitution of India, Article 226.

Held, Petitioner only lay challenge to an order which was placed on the main petition and was primarily concerned to provide security to the petitioner who is claiming himself to be President of Youth Akali Dal Moga Zone - Through the instant application is trying to entirely set up a new relief by seeking prayer for allowing him a gypsy vehicle and which is the prerogative of the security agencies and was never sought in the petition - Dismissed.

Dr. Anmol Rattan Sidhu, Sr. Advocate with Mr. Shiv Kumar Sharma, for the applicant/petitioner. Mr. Shireesh Gupta, Sr. DAG, Punjab. Mr. Satya Pal Jain, Additional Solicitor General of India for UOI with Mr. Sudhir Nar, Sr. Panel Counsel UOI.

Fateh Deep Singh, J. (Oral) - (24th August, 2021) - The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

2. By the instant application a stealth effort is sought to be made by the applicant/petitioner Ravi Karan Singh Kahlon to seek what was not earlier prayed by him in his original civil writ petition No. 1201 of 2021. The petitioner initially filed the writ in question whereby he has sought the reliefs which are reproduced as below:-

“ i) A writ in the nature of mandamus for providing adequate security to the petitioner, keeping in view the facts and circumstances as mentioned in the petition.

ii) Further issuance of a writ in the nature of certiorari for quashing the impugned letter dated 14.12.2020 (Annexure P-16) whereby the security already given to the petitioner and his family has been withdrawn, illegally and against the treat of life and liberty of the petitioner as well as against the protection given to every citizen under Article 21 of the Constitution of India.

iii) Further prayed that during the pendency of the present writ petition, the operation of the impugned letter dated 14.12.2020 (Annexure P-16) may kindly be stayed”.

3. Heard Dr. Anmol Rattan Sidhu, Sr. Advocate with Mr. Shiv Kumar Sharma, Advocate for the applicant/petitioner, Mr. Shireesh Gupta, Sr. DAG, Punjab, Mr. Satya Pal Jain, Additional Solicitor General of India for UOI with Mr. Sudhir Nar, Sr. Panel Counsel UOI and perused the records.

4. It is emphatically clear that the petitioner had only challenged the order of Commandant 5th Battalion, Bathinda regarding withdrawing of the officers from the security duty of the petitioner. This Court vide order dated 22.04.2021 allowed the application and disposed off the same. It is in consequence of the same, the instant review application has come about in terms of Order 47 Rule 1 CPC read with Section 151 CPC and as per the well settled preposition of law, the Court of review has only limited jurisdiction circumscribed by definite limits which are well enshrined in Order 47 CPC. It is clear that review is not an appeal in disguise and can be referred to only in the rarest of rare cases when apparently, there has been miscarriage of justice and right has been denied in spite of exercise of due diligence and cannot be used to by pass an order which has already been passed by the Court.

5. The counsel for the applicant could not convince this Court how there has been discovery of new and important matter which in spite of due diligence was not within the knowledge of the applicant or that the mistake was on the records nor could bear out any sufficient reasons for that.

6. Going through the application in question and previous petition as well as the order against which the review is being sought it is very much clear that the petitioner had only lay challenge to an order dated 14.12.2020 which was placed on the main petition as Annexure P-16 and was primarily concerned to provide security to the petitioner who is claiming himself to be President of Youth Akali Dal Moga Zone and through the instant application is trying to entirely set up a new relief by seeking prayer for allowing him a gypsy vehicle and which is the prerogative of the security agencies and was never sought in the petition and in which the Court should refrain from showing indulgence.

7. The instant application is hopelessly without merits and stands dismissed.*R.M.S.*
dismissed.

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Petition