



“बेटी बचाओ, बेटी पढ़ाओ” JAYOTI VIDYAPEETH WOMEN'S UNIVERSITY, JAIPUR

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NAAC Accredited University

Faculty of Law and Governance

Faculty Name- Ms. Tripti Negi

Program- BA LLB, LLB, Semester 6th

Course Name- Civil Procedure Code

Session No.& Name – 2023-2024

Academic Day starts with –

Greeting with saying ‘Namaste’ by joining Hands together following by 2-3 Minutes Happy session, Celebrating birthday of any student of respective class and National Anthem.

Lecture Starts with-

Review of previous Session

National song’ VandeMataram’

Subject Name – Civil Procedure Code

Topic – Review

Introduction

Section 114 of the Civil Procedure Code (CPC) delineates the provision for review, allowing a party dissatisfied with a court's order to file an application for review within the same court that issued the decree. This provision is instrumental in enabling courts to reexamine their own decrees or judgments, rectifying any errors that may have occurred during the judicial process.

In the case of *Ram Baksh v. Rajeshwari Kunwar*, AIR 1948 AII 213, it was established that the option for review remains available even if an appeal has been dismissed for any reason.

Order 47 of the CPC outlines the procedural aspects of review. Parties may file an application for review under the following circumstances:

- The decree or judgment is appealable, but no appeal has been lodged.
- The law does not provide for an appeal for a specific decree or judgment.
- A decision has been issued by the Court of Small Causes.

Grounds for filing a review application are specified in Rule 1 of Order 47:

1. **Discovery of New and Significant Evidence:** If new and substantial evidence is discovered post-decree that was previously unknown or unavailable.
2. **Error Apparent on the Face of the Record:** When there is a discernible error evident from the record that doesn't necessitate a re-argument of the entire case.
3. **Any Other Sufficient Reason:** This broad ground encompasses circumstances where the court deems any reason sufficient to review its decision, aiming to prevent miscarriage of justice.

In *S. Nagraj & Ors. V. State of Karnataka & Anr.*, 1993 Supp (4) SCC 595, the Supreme Court elucidated that "any other sufficient ground" encompasses an expanded interpretation, including instances of misinterpretation of factual circumstances.

The limitation period for filing a review application is stipulated under Article 124 of the Limitation Act, 1963, which mandates a thirty-day window for courts other than the Supreme

Court from the date of the decree or order. However, the Supreme Court, as the apex court, can review its judgments under Article 137 of the Constitution of India.

The object of the review procedure, as underscored in *S. Nagraj v. State of Karnataka*, is to rectify errors and prevent miscarriages of justice. A review application differs from an appeal or revision as it entails a request to reconsider the decision within the same court.

Review petitions are maintainable under various circumstances, including when no appeal lies, when an appeal is dismissed, or when an appeal could have been filed but was not. Notably, a review is the reevaluation of the same matter by the same judge, though in exceptional circumstances, another judge or court of concurrent jurisdiction may undertake the review, as determined in *Reliance Industries Ltd. v. Pravinbhai*.