

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA****Review Petition No. : 42 of 2026****Decided on : 08.05.2026**

Rohit Jaswal

...Petitioner

Versus

DC Kangra and another

...Respondents

The Hon'ble Mr. Justice Virender Singh, Judge.*Whether approved for reporting?¹*

For the petitioner : Mr. Ajay Vaidya, Advocate.

For the respondents : None.

Virender Singh, Judge (Oral)

Petitioner-Rohit Jaswal has filed the present review petition under Order 47 Rule 1 C.P.C., for the following substantive reliefs:-

- a) *Review and recall the order dated 23.04.2026 passed in CMPMO 174/2026;*
- b) *Stay the operation of the direction requiring the learned trial Court to decide the case within two months."*

2. The review petition has been filed in a decided case, being CMPMO No. 174/2026, titled as "Gurbachan Singh Versus Divisional Commissioner Kangra & Anr.", wherein, this Court on 23.04.2026, while deciding the petition under Article 227 of the Constitution of India,

¹ *Whether Reporters of local papers may be allowed to see the judgment? Yes.*



preferred by respondent No. 2, has passed the following order:-

“5. Without commenting upon the manner, in which, the application for early disposal has been rejected by the learned Divisional Commissioner, Kangra at Dharamshala, the present petition is disposed of, by directing the learned Divisional Commissioner, Kangra at Dharamshala, to decide the appeal titled as ‘Rohit Jaswal versus Gurbachan Singh’, within a period of two months from today.”

3. Above judgment has been sought to be reviewed, on the ground, that respondent No. 2 has falsely mentioned distorted fact that the present petitioner is his son, whereas, the present petitioner is stated to be son of Gurcharan Singh and not Gurbachan Singh. Wrong particulars are stated to have been mentioned in the petition, by respondent No. 2.

4. The review has also been sought on the ground that the said order has been passed without issuing any notices to him.

5. On the basis of above facts, it has been vehemently argued by learned counsel appearing for the petitioner that there is an error, apparent on the face of the record. As such, a prayer has been made to allow the review petition.

6. Heard.



7. While deciding CMPMO No. 174 of 2026, on 23.04.2026, a direction was issued to the Divisional Commissioner, Kangra, to decide the matter within a period of two months from 23rd April, 2026.

8. It is not in dispute that the revision preferred by the present petitioner is pending adjudication before the Divisional Commissioner and the early disposal of the said revision has been directed, keeping in view the fact that respondent No. 2 is a senior citizen, aged about 83 years.

9. In this case, no error or mistake, has been pointed out in the order, however, it has been pleaded that respondent No. 2 has wrongly pleaded the fact that the petitioner is his son. The core issue, with regard to the pendency of the revision before the Divisional Commissioner, Kangra has not been disputed, nor the age of respondent No. 2 as 83 years, has been disputed, in the present review petition.

10. The net result of the order dated 23.04.2026, is the direction to the Divisional Commissioner, Kangra, to decide the appeal titled as "Rohit Jaswal Vs Gurbachan Singh", within a period of two months. The instant petition is totally silent about the fact as to how the direction



issued, vide the judgment under review, would give an occasion to file the present review petition and what is the 'mistake/error, apparent on the face of the record'.

11. The scope of review has elaborately been discussed by the Hon'ble Supreme Court in "***Parsion Devi and others versus Sumitri Devi and others, (1997) 8 SCC 715***". Relevant paragraphs 7, 8 and 9, of the judgment, are reproduced, as under:-

"7. It is well settled that review proceedings have to be strictly confined to the ambit and scope of Order 47 Rule 1 CPC. In Thungabhadra Industries Ltd. v. Govt. of A.P., AIR 1964 SC 1372, this Court opined:

"What, however, we are now concerned with is whether the statement in the order of September 1959 that the case did not involve any substantial question of law is an 'error apparent on the face of the record'. The fact that on the earlier occasion the Court held on an identical state of facts that a substantial question of law arose would not per se be conclusive, for the earlier order itself might be erroneous. Similarly, even if the statement was wrong, it would not follow that if was an 'error apparent on the face of the record', for there is a distinction which is real, though it might not always be capable of exposition, between a mere erroneous decision and a decision which could be characterised as vitiated by 'error apparent'. A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected, but lies only for patent error."

(emphasis ours)



8. *Again, in Meera Bhanja v. Nirmala Kumari Choudhury (1995) 1 SCC 170, while quoting with approval a passage from Aribam Tuleshwar Sharma v. Aribam Pishak Sharma (1979) 4 SCC 389, this Court once again held that review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 CPC.*

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 of 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”. A review petition, it must be remembered has a limited purpose and cannot be allowed to be “an appeal in disguise”.*

12. If the facts and circumstances of the present case are seen in the light of the decision, as referred to above, the learned counsel appearing for the petitioner-Rohit Jaswal, could not satisfy the judicial conscience of this Court, as to how the wrong averments about the parentage of petitioner Rohit Jaswal, is an ‘error or mistake, apparent on the face of record’, when simple direction was issued to decide the matter within a period of two months, that too, keeping in view the age of respondent No. 2.



13. Considering the said fact, there is no mistake or error, apparent on the face of record. Consequently, the review petition is dismissed.

08th May, 2026
(*Pramod Kumar*)

(Virender Singh)
Judge