



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

111

RA-CR-34-2026 in
CM Nos. 2666 and 2667-CII-2026
IN FAO-6955-2017

Date of Decision: 24.03.2026

Parveen Kumari and another

.... Review-applicant/appellants

Versus

Shashi Kumar and others

.... Non-applicant/Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Sandeep Kumar Bokolia, Advocate
for the review-applicant/appellants.

NIDHI GUPTA, J. (ORAL)

1. The review-applicant/appellant/claimants have filed the present review application under Order XLVII Rules 1 and 2 read with Section 151 CPC for review of the order dated 13.02.2026 passed by this Court whereby the application bearing No. CM-2667-CII-20263 for restoration of the main appeal along with another application bearing CM-2666-CII-2026 for condonation of delay of 62 days in filing the aforesaid restoration application were dismissed.

2. Briefly stated, the appellant-claimants have filed the main appeal seeking enhancement of compensation of ₹7,45,000/- awarded by the learned Motor Accident Claims Tribunal, Faridkot, vide Award dated 01.05.2017 passed in MACT Case No. RT 04 of 24.08.2016 filed under Section 166 read with Section 140 of the Motor Vehicles Act, 1988. Vide



order/judgment dated 06.11.2025, the main appeal was dismissed for non-prosecution which reads as under:-

“The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.7,45,000/- awarded by the learned Motor Accident Claims Tribunal, Faridkot (for short 'the learned Tribunal') vide Award dated 01.05.2017 passed in MACT Case No. RT 04 of 24.08.2016 filed under Section 166 read with Section 140 of the Motor Vehicles Act, 1988.

Present appeal is of the year 2017; in which notice of motion was issued vide order dated 11.07.2018. Thereafter, the matter has been adjourned either at request of, or due to non-appearance of learned counsel for the appellants. Even on the last date of hearing i.e. 24.05.2023, matter was adjourned at request of learned counsel for the appellants. Today also, none appeared on behalf of the appellants. A bare reading of the above facts shows that the appellants have exhibited an utterly casual and careless attitude in their pursuit of the present litigation. It is to be appreciated that very valuable public time of the Court has been expended in affording opportunities to the appellants in the interest of justice. It is clear that neither the appellants nor their counsel is seriously interested in pursuing the present matter. Thus, this Court is left with no other option except to dismiss the same for non-prosecution.

Ordered accordingly.

Pending application(s), if any, shall also stand disposed of.”

3. Feeling aggrieved, the review-applicant/appellants have filed aforementioned 02 applications i.e. (i) CM-2667-CII-20263 for



restoration of the main appeal and (ii) CM-2666-CII-2026 for condonation of delay of 62 days in filing the aforesaid restoration application. However, both the said applications were also dismissed on merits by this Court vide order under review dated 13.02.2026, which reads as under:-

“Present application (CM-2667-CII-2026) has been filed seeking restoration of the main case i.e. FAO-6955-2017, which was dismissed for non-prosecution vide order dated 06.11.2025. Along with the said application, another application (CM-2666-CII-2026) has been filed seeking condonation of delay of 62 days in filing the restoration application.

The main appeal was filed by the claimants seeking enhancement of compensation of Rs.7,45,000/- awarded by the learned Motor Accident Claims Tribunal, Faridkot vide Award dated 01.05.2017 passed in MACT Case No. RT 04 of 24.08.2016 filed under Section 166 read with Section 140 of the Motor Vehicles Act, 1988.

Vide order dated 06.11.2025, the appeal was dismissed for non-prosecution. The said order reads as under:-

“The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.7,45,000/- awarded by the learned Motor Accident Claims Tribunal, Faridkot (for short 'the learned Tribunal') vide Award dated 01.05.2017 passed in MACT Case No. RT 04 of 24.08.2016 filed under Section 166 read with Section 140 of the Motor Vehicles Act, 1988.

Present appeal is of the year 2017; in which notice of motion was issued vide order dated



11.07.2018. Thereafter, the matter has been adjourned either at request of, or due to non-appearance of learned counsel for the appellants. Even on the last date of hearing i.e. 24.05.2023, matter was adjourned at request of learned counsel for the appellants. Today also, none appeared on behalf of the appellants. A bare reading of the above facts shows that the appellants have exhibited an utterly casual and careless attitude in their pursuit of the present litigation. It is to be appreciated that very valuable public time of the Court has been expended in affording opportunities to the appellants in the interest of justice. It is clear that neither the appellants nor their counsel is seriously interested in pursuing the present matter. Thus, this Court is left with no other option except to dismiss the same for non-prosecution.

Ordered accordingly.

Pending application(s), if any, shall also stand disposed of.”

A perusal of the present applications shows that except making general and vague averments, no sufficient cause has been disclosed explaining the absence of the appellants or their counsel on the date when the appeal was dismissed. The applicants have also failed to furnish any cogent or convincing explanation which could justify restoration of the appeal. It is well settled that restoration of a matter dismissed for non-prosecution is not a matter of right and the party seeking restoration is required to show sufficient cause explaining its conduct and absence.

It is further noticeable that even prior to dismissal of the appeal, the conduct of the appellants had remained consistently negligent. As noticed in the order dated



06.11.2025, the appeal, which pertains to the year 2017, was repeatedly adjourned either on request of the appellants or due to their non-appearance. The appellants were granted adequate and repeated opportunities to prosecute the matter, but they failed to avail the same. The conduct of the appellants clearly reflects lack of diligence and seriousness in pursuing the litigation.

Even otherwise, the explanation furnished for condonation of delay of 62 days in filing the restoration application is wholly unsatisfactory and does not constitute sufficient cause. The law of limitation is founded upon public policy and cannot be brushed aside merely on sympathetic considerations, particularly when the party seeking condonation has failed to establish bona fide reasons for the delay.

In view of the above discussion, this Court finds no sufficient ground either to condone the delay in filing the restoration application or to restore the main appeal, which, vide order dated 06.11.2025 was dismissed for non-prosecution.

Consequently, CM-2666-CII-2026 seeking condonation of delay is dismissed. As a necessary corollary, CM-2667-CII-2026 seeking restoration of the main appeal also stands dismissed.”

4. Learned counsel for review-applicants, *inter alia*, submits that on 13.02.2026, he has failed to appear on account of the fact that he failed to note the case in his case dairy, on account of which both the applications bearing No. CM-2666-CII-2026 seeking condonation of delay of 62 days in filing the restoration application No. CM-2667-CII-2026 were dismissed on merits in his absence. It is accordingly, prayed



that the present review application may be allowed and the order dated 13.02.2026 may be recalled.

5. No other argument is made on behalf of the review applicant.

6. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions advanced by learned counsel for the review-applicants. The order under review has been passed after taking into consideration all facts and circumstances of the case in hand.

7. In any event, it is established position in law that a review application is not meant to permit the review-applicant to re-argue the entire case and raise the points that could have been raised during the initial hearing. The order under review dated 13.02.2026 was passed after taking into consideration all facts and circumstances of the case. The sheer incorrigible casual attitude of learned counsel for the review-applicant is evident from the fact that even for restoration of the case, learned counsel had failed to appear before this Court on 13.02.2026. This is not sufficient ground to review the order dated 13.02.2026; especially when no cogent reason is given for the absence. An order passed by this Court can be reviewed if there is manifest error on the face of the record meaning thereby that there is a clear and obvious mistake in the judgment. The Review Application is not meant to re-agitate arguments or pleadings that were omitted during the hearing of the main matter. As such, I find no such error in the order dated 13.02.2026.

8. Reliance is also placed on a recent judgment of the Hon'ble Supreme Court in **“Malleeswari Vs. K. Suguna and Another”**



SLP(C)No.12787 of 2025 decided on 08.09.2025, wherein principles for review jurisdiction have been laid down in Para 15, which reads as follows: -

“15. It is axiomatic that the right of appeal cannot be assumed unless expressly conferred by the statute or the rules having the force of a statute. The review jurisdiction cannot be assumed unless it is conferred bylaw on the authority or the Court. Section 114 and Order 47, Rule 1 of CPC deal with the power of review of the courts. The power of review is different from appellate power and is subject to the following limitations to maintain the finality of judicial decisions:

15.1 The 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 of CPC.

15.2 Review is not to be confused with appellate powers, which may enable an appellate court to correct all manner of errors committed by the subordinate court.

15.3 In exercise of the jurisdiction under Order 47 Rule1 of 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.

15.4 The power of review can be exercised for the correction of a mistake, but not to substitute a view. Such powers can be exercised within the limits specified in the statute governing the exercise of power.

15.5 The review court does not sit in appeal over its own order. A rehearing of the matter is impermissible. It constitutes an exception to the general rule that once a judgment is signed or pronounced, it should not be altered.



*Hence, it is invoked only to prevent a miscarriage of justice
or to correct grave and palpable errors.”*

9. In view of the above noted factual and legal position, no
ground is made out to review the order dated 13.02.2026. Present Review
Application accordingly stands **dismissed**.

10. Pending application(s), if any also stand(s), disposed of.

24.03.2026
rishu

**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No