

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Review Petition No. 13/2025

Naurang S/o Bhinraj, Aged About 82 Years, Resident Of
Khyaliwala, Tehsil And District Sri Ganganagar (Raj)

-----Petitioner

Versus

1. Lrs Of Late Sri Chunnilal, Above Resident Of Khyaliwala,
Tehsil And District Sriganganagar.
2. Smt. Kamla Devi W/o Late Shri Chunni Lal, Khyaliwala,
Tehsil And Distt. Sriganganagar.
3. Krishna Lal S/o Late Shri Chunni Lal, Khyaliwala, Tehsil
And Distt. Sriganganagar.
4. Kulveer D/o Late Shri Chunni Lal, Khyaliwala, Tehsil And
Distt. Sriganganagar.
5. Chandrakala D/o Late Shri Chunni Lal, W/o Shri
Ramchandra, R/o Khyaliwala, Tehsil And Distt.
Sriganganagar.

-----Respondents

For Petitioner(s)	:	Mr. Narendra Thanvi
For Respondent(s)	:	None-present

HON'BLE MR. JUSTICE FARJAND ALI

Order

Date of Conclusion of Arguments : **06/05/2026**

Date on which Order is Reserved : **06/05/2026**

Full Order or Operative Part : **Full Order**

Date of Pronouncement : **10/06/2026**

1. By way of filing the instant review petition under Order XLVII
Rule 1 CPC, the petitioner seeks review of the order dated
19.08.2025 passed by this Court in S.B. Civil Revision

Petition No. 145/2025, being aggrieved by the dismissal of the revision petition and the consequent affirmation of the order dated 09.07.2025.

2. It is the case of the petitioner that the petitioner had preferred S.B. Civil Revision Petition No. 145/2025 before this Court assailing the order dated 09.07.2025 passed by the learned Executing Court, whereby the objections/application submitted by the petitioner on 17.10.2023 in Civil Execution Case No. 30/2023 came to be rejected. The execution proceedings had been initiated by the respondents, being the legal representatives of original plaintiff late Shri Chunnilal, nearly ten years after the conclusion of the litigation, seeking execution of the decree dated 12.11.1999. In the execution petition, the respondents alleged that the petitioner was in possession of the suit land in violation of the decree and sought restoration of possession in their favour. The petitioner, however, specifically objected to the maintainability of the execution proceedings on the grounds, inter alia, that the decree dated 12.11.1999 was merely a decree for declaration and injunction and did not grant any relief of possession; that necessary parties had not been impleaded; and that the Executing Court could not travel beyond the decree and grant a substantive relief which had never been awarded by the competent court.

3. The petitioner, while challenging the order dated 09.07.2025 before this Court, specifically contended that the learned Executing Court had failed to appreciate the limited scope of execution jurisdiction and had erroneously proceeded to entertain and grant a claim for possession despite the absence of any decree for possession in favour of the respondents. It was further pointed out that the respondents had taken mutually inconsistent stands regarding the alleged dispossession, thereby raising serious doubts about the very foundation of the execution proceedings. The petitioner also submitted that the impugned order dated 09.07.2025 did not record any finding on the crucial issue as to when and under what circumstances the respondents were allegedly dispossessed and, therefore, suffered from patent illegality and perversity. However, vide order dated 19.08.2025, this Court dismissed the revision petition without considering the aforesaid material submissions and jurisdictional objections raised by the petitioner, giving rise to an error apparent on the face of the record and necessitating the filing of the present review petition.
4. Heard learned counsels present for the petitioner and gone through the materials available on record.
5. At the outset, it deserves to be noticed that the scope of review jurisdiction under Order XLVII Rule 1 CPC is extremely limited. A review proceeding cannot be converted

into a rehearing of the matter on merits, nor can it be employed as a mechanism to secure a fresh adjudication of issues which have already been considered and decided by the Court. The power of review is not akin to appellate jurisdiction. Unless the applicant is able to demonstrate an error apparent on the face of the record, discovery of new and important matter which despite due diligence could not be produced earlier, or any other ground analogous thereto, interference in review jurisdiction is wholly unwarranted.

6. A careful reading of the review petition reveals that the petitioner is essentially reiterating the very same submissions which were advanced during the hearing of S.B. Civil Revision Petition No.145/2025. The principal contentions regarding the nature of the decree dated 12.11.1999, the maintainability of the execution proceedings, the alleged absence of a decree for possession, the scope of powers exercisable by the Executing Court under Order XXI Rule 32 CPC, the alleged inconsistency in the stand of the decree-holders, and the objections regarding execution jurisdiction, are all issues which formed the subject matter of consideration in the revision proceedings.

7. The order dated 19.08.2025 clearly demonstrates that this Court had undertaken an elaborate examination of the controversy. After considering the factual matrix, the nature

of the decree, the objections raised by the judgment-debtor, and the legal position governing execution of decrees for injunction, this Court arrived at a conscious conclusion that the learned Executing Court had committed no legal error in rejecting the objections and proceeding in accordance with Order XXI Rule 32(5) CPC. The findings recorded therein are reasoned findings rendered after due consideration of the rival submissions.

8. Merely because the petitioner is dissatisfied with the conclusions reached by this Court cannot furnish a valid ground for invoking review jurisdiction. What the petitioner seeks, in substance, is a complete reconsideration of the revision petition on merits and a fresh adjudication of the very same issues which already stand decided. Such an exercise is wholly beyond the permissible contours of review jurisdiction. The review petitioner cannot be permitted to reopen concluded findings under the guise of pointing out an alleged error apparent on the face of the record.

9. It is well settled that an error which has to be established through a process of reasoning, lengthy arguments, or re-appreciation of the material available on record cannot be characterized as an error apparent on the face of the record. The review jurisdiction is intended to correct patent and self-evident mistakes and not to substitute one possible view with another. Where two views are possible and the Court

has consciously adopted one of them, the remedy of the aggrieved party lies elsewhere in accordance with law and not by way of review.

10. At this stage, it is also pertinent to advert to the exposition of law by the Hon'ble Supreme Court in ***Malleeswari v. K. Suguna & Anr.*** (SC – Decided on 08.09.2025), wherein the Court authoritatively held that review proceedings cannot be treated as a continuation of the appellate process, nor can they be used for re-appraisal of evidence or substitution of one possible view with another. The Hon'ble Supreme Court has cautioned that an error apparent must be one which is self-evident and does not require elaborate argumentation to establish. A patent error may be reviewable; however, a debatable point of law is not. The Court further observed that recording fresh findings on facts while exercising review jurisdiction amounts to exceeding the limited jurisdiction vested under Order XLVII Rule 1 CPC. The principle laid down therein squarely governs the controversy at hand.

11. Examined in the light of the aforesaid settled principles, this Court finds that no patent error, manifest illegality, inadvertent omission, or mistake apparent on the face of the record has been demonstrated by the review petitioner. The grounds urged in the present petition merely seek reconsideration of findings already rendered after due deliberation. Entertaining such a prayer would virtually

amount to sitting in appeal over the judgment dated 19.08.2025, which is impermissible in exercise of review jurisdiction.

12. Consequently, this Court is of the considered opinion that the present review petition is devoid of merit and does not satisfy any of the requirements prescribed under Order XLVII Rule 1 CPC warranting review of the order dated 19.08.2025.

13. Accordingly, the review petition stands dismissed.

14. All pending applications, if any, also stand disposed of.

(FARJAND ALI),J

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