

IN THE COURT OF ADDITIONAL DISTRICT JUDGE
AIZAWL JUDICIAL DISTRICT, AIZAWL, MIZORAM.

Present : Shri Vanlalenmawia, MJS
Additional District Judge,
Aizawl Judicial District, Aizawl.

Civil Review Petition No. 27 of 2014
arising out of L.A. Case No. 42 of 2013

North Eastern Frontier Railway
(Represented by the Deputy Chief Engineer,
Durtlang : District : Aizawl : Mizoram) ... Review Petitioners

-versus-

1. Shri Vanlalfaka & 133 others
R/o Bairabi North, Mizoram.
2. District Collector Kolasib District, Mizoram
3. Secretary to the Government of Mizoram
Land Revenue & Settlement, Aizawl : Mizoram ... Respondents

APPEARANCE

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| For the petitioner | : | Shri Ali Hussain, Advocate. |
| For the respondents No. 1 | : | Shri Lalramhluna, Advocate. |
| For the respondent No. 2 & 3 | : | Shri Lalremruata, Addl. G.A. |

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| Hearing | : | 27.1.2015 |
| Order delivered on | : | 16.2.2015 |

ORDER

1. The civil review petition has been filed to review the judgment and award dated 5.12.2014 in L.A. Case No. 42 of 2013 passed by my predecessor.
2. I heard the learned Counsel appearing for the review petitioner, the learned Additional Government Advocate and the learned Counsel for the plaintiff respondent.

3. The first ground taken on behalf of the review petitioner is that the petitioner was not aware of the proceedings of the above L.A. Case No. 42 of 2013 inasmuch as summons was not served upon him, as a result, the petitioner failed to bring notice of certain facts on record, causing prejudice to him. Upon perusing the records of L.A. Case No. 42 of 2013 available before me, I found that Vakalatnama was executed by the petitioner herein in favour of Shri Rupendra Mohan Das, Advocate on 23.12.2013, written objection was submitted by the petitioner herein through his learned Counsel which was duly received by the Court on 23.1.2014 and the learned Counsel was also present at the time of hearing. Hence, the submission of the learned Counsel Shri Ali Hussain is wrong and cannot be acted upon.

4. Another ground raised by the learned Counsel Shri Ali Hussain is that the issue of temporary injunction in CMA No. 519 of 2013 affected the progress of works taken up by the petitioner. However, the order dated 4.3.2014 in paragraph 11 states as follows;

'Accordingly, temporary injunction is issued to the respondents more particularly Respondent No.3 (NF Railway) to refrain from damaging the graves belonging to the applicants till final disposal of LA case No. 42/2013 or till further order, which ever is earlier, while carrying out the construction work of railway track from Bairabi to Sairang.'

5. It may be mentioned that the L.A. Case No. 42/2013 was disposed on 5.12.2014. In terms of the order dated 4.3.2014 passed in CMA No. 519 of 2013, the temporary injunction issued against the petitioner was lifted on the date of disposal of L.A. Case No. 42/2013. Hence, I do not find that the ground taken by the petitioner is fit for review of the judgment and award passed in L.A. Case No. 42/2013.

6. The third ground advanced by Shri Ali Hussain is that the petitioner is not interested to acquire the land in question due to the reasons stated above and also involve sentiments of the respondent plaintiffs. According to the learned Counsel, the

review petitioner has annexed the letter addressed to the Deputy Commissioner, Kolasib to the review petition in which he demanded to hold reassessment/verification in respect of the lands in question. On this ground, the learned Counsel Shri Lalramhluna appearing for the respondent-plaintiffs submitted that new facts cannot be set up for consideration in review court. Both submissions of the rival parties are considered. So far the merit of the review petition is concerned, it is well settled that the review petition can be filed only for consideration of the important matters or evidence which, by mistake or error on the face of the record, could not be considered when the order was passed. The review petition cannot be filed for re-hearing of any matter.

7. The Hon'ble Apex Court in the case of Northern India Caterers (India) Ltd. V. Lt. Governor of Delhi, AIR 1980 SC 6741 (1980) 2 SCC 167 has observed as under :

'13. It is well settled that a party is not entitled to seek a review of a judgment delivered by this Court merely for the purpose of a rehearing and a fresh decision of the case. The normal principle is that a judgment pronounced by the Court is final, and departure from that principle is justified only when circumstances of a substantial and compelling character make it necessary to do so. Sajjan Singh v. State of Rajasthan MANU/SC/0052/1964 : [1965]1SCR933 , 948. For instance, if the attention of the Court is not drawn to a material statutory provision during the original hearing, the Court will review its judgment. G.L. Gupta v. D.N. Mehta MANU/SC/0487/1971 : [1971]3SCR748 , 760. The Court may also reopen its judgment if a manifest wrong has been done and it is necessary to pass an order to do full and effective justice. O.N. Mahindroo v. Distt. Judge Delhi and Anr. MANU/SC/0059/1970 : [1971]2SCR11 , 27. Power to review its judgments has been conferred on the Supreme Court by Article 137 of the Constitution, and that power is

subject to the provisions of any law made by Parliament or the rules made under Article [145](#). In a civil proceeding, an application for review is entertained only on a ground mentioned in XLVII Rule 1 of the CPC, and in a criminal proceeding on the ground of an error apparent on the face of the record. (Order XL Rule 1, Supreme Court Rules, 1966). But whatever the nature of the proceeding, it is beyond dispute that a review proceeding cannot be equated with the original hearing of the case, and the finality of the judgment delivered by the Court will not be reconsidered except "where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility." Chandra Kanta v. [Sheikh Habib](#) [MANU/SC/0064/1975](#) : [1975]3SCR933.'

8. It may also be mentioned that the petitioner has not annexed certified copy of the judgment and award passed in L.A.No 42 of 2013 to the civil review petition. The non compliance of the procedure is also a vital ground to reject the civil review petition.

9. In the result, I do not find any merit in the review application. Consequently, the review application is dismissed.

10. No order as to cost.

(VANLALENMAWIA)

Addl. District Judge,
Aizawl Judicial District,
Aizawl, Mizoram

Memo No. _____/ADJ(A)/2015 : Dated Aizawl, the 16th Feb. 2015

Copy to: -

1. North Eastern Frontier Railway through Mr. Ali Hussain, Advocate.
 2. Sh. Vanlalfaka & 133 Ors. through Mr. Lalramhluna, Advocate.
 3. District Collector, Kolasib District, Kolasib
 4. Secretary to the Govt. of Mizoram, Land Revenue & Settlement Department
 5. District Judge, Aizawl Judicial District, Aizawl.
 6. Registration Section.
 7. Guard File.
 8. Case Record.
 9. Calendar Judgment.
- through Mr. R. Lalremruata,
Addl. Govt. Advocate.

P E S H K A R