



**CM-5537-C-2025; CM-4181-C-2021 in  
RA-RS-28-2021 in RSA-5588-2003 and connected cases**

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

(103+212)

**CM-5537-C-2025; CM-4181-C-2021 in  
RA-RS-28-2021 in RSA-5588-2003**

Date of Decision:- 27.05.2025

JIT SINGH

.....Applicant

Versus

KARAN SINGH AND ORS

.....Respondents

**CM-4687-C-2021 in RA-RS-34-2021 in  
RSA-5589-2003**

JIT SINGH

.....Applicant

Versus

KARAN SINGH AND ORS

.....Respondents

**CM-4191-C-2021; CM-4192-C-2021 in  
RA-RS-29-2021 in RSA-5587-2003**

JIT SINGH

.....Applicant

Versus

KARAN SINGH AND ORS

.....Respondents

**CORAM: HON'BLE MR. JUSTICE ALOK JAIN**

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Present: Mr. Arun Nehra, Advocate for the applicant-respondent No.3.

Mr. Amit Jain, Senior Advocate with

Mr. Parit Aggarwal, Advocate for contesting respondent No.2.

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**ALOK JAIN, J. (Oral)**

1. By this order, three review applications i.e. RA-RS-28-2021 in RSA-5588-2003; RA-RS-34-2021 in RSA-5589-2003 and RA-RS-29-2021 in RSA-5587-2003 are adjudicated as they are interconnected and between same parties. Counsel for the parties have requested to take up and decide all of them together, hence, all the three applications are taken up together.



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2. Since the present review applications have been filed in three regular second appeals arising out of different suits filed *inter se* between the parties, two of which, namely *Jit Singh Vs. Karan Singh and Ors.* (First suit) and *Karan Singh and Anr. Vs. Jit Singh and Ors.* (second suit) were decided together by the trial Court on 30.10.2001 and the appeals/cross-appeal arising thereof were also adjudicated vide order dated 28.10.2003 by the first Appellate Court and the regular second appeals arising thereof also came to be adjudicated vide common order dated 30.09.2019 passed by this Hon'ble Court. The two set of SLPs were filed which were also dismissed on 20.11.2020 and 20.01.2021. However, for sake of clarity, the factual matrix is narrated in a tabulated form as under:

**FIRST SUIT**

<b>Date</b>	<b>Title</b>	<b>Relief</b>	<b>Date of decision</b>
<b>15.06.1989</b>	Jit Singh Vs. Karan Singh and Ors. (CS-360-C)	Suit for symbolic possession by way of specific performance of agreement to sale dated 25.06.1979	Dismissed on 30.10.2001 (Issue No.2 to be discussed)
<b>16.01.2003</b>	Jit Singh Vs. Karan Singh and Ors. (CA-8-2001)	Appeal against order dated 30.10.2001	Dismissed on 28.10.2003
<b>01.12.2003</b>	Jit Singh Vs. Karan Singh and Ors. (RSA-5587-2003)	Appeal filed against order dated 30.10.2001 and 28.10.2003	Dismissed on 30.09.2019
<b>16.08.2016</b>	During the pendency of RSA-5587-2003 Jit Singh expired on 31.01.2016.	Application for bringing on record the LRs of Jeet Singh was filed.	LRs of Jit Singh were impleaded, however, one of the son of Jit Singh, namely, Trilok Singh refused to join



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			as contesting party and hence was impleaded as proforma respondent, now the present review applicant.
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**SECOND SUIT FILED DURING THE PEDENCY OF THE  
FIRST SUIT**

<b>Date</b>	<b>Title</b>	<b>Relief</b>	<b>Date of decision</b>
15.06.1991	Karan Singh and Anr.Vs. Jit Singh and Ors.(CS-205-C)	Suit for possession of agricultural (and in issue No.1 the question of entitled of mense profit was also framed).	Partially allowed granting relief of possession 30.10.2001
26.11.2001	Karan Singh and Anr.Vs. Jit Singh (CA-130-2001)	Appeal against order dated 30.10.2001	Allowed on 28.10.2003
16.01.2002	Jit Singh Vs. Karan Singh and Anr. (CA-9-2001)	Appeal filed against order dated 30.10.2001	Dismissed on 28.10.2003
01.12.2003	Jit Singh Vs. Karan Singh and Anr. (RSA-5588-2003)	Appeal filed against order dated 30.10.2001 and 28.10.2003	Dismissed on 30.09.2019
01.12.2003	Jit Singh Vs. Karan Singh and Anr.(RSA-5589-2003)	Appeal filed against order dated 30.10.2001 and 28.10.2003	Dismissed on 30.09.2019

Against the order dated 30.09.2019 passed in the RSA Nos.5587 of 2003; 5588 of 2003 and 5589 of 2003, ***SLP(C) No.(Civil) 013962-013964/2020*** was filed by LRs of Jit Singh, which was dismissed on 20.11.2020. In the meantime, an application for impleadment as party was moved by two sons of Trilok Singh claiming their rights on the basis of Will of Jit Singh. The said applications bearing CM No. 936/2017 in RSA



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No. 5588/2003, CM No. 1015/2017 in RSA No. 5587/2003 and CM No. 1044/2017 in RSA No. 5589/2003 were also dismissed vide order dated 27.08.2020. Aggrieved by the order dated 27.08.2020, the *sons of Trilok Singh* filed *SLP(C) No.001329-001334/2021* which also came to be *dismissed on 20.01.2021*. After dismissal of SLP execution proceeding was started in which Trilok Singh filed objections which was dismissed on 05.02.2021 and the civil revision against the said order was also dismissed on 14.09.2022 and decree stand executed.

**THIRD SUIT**

<b>Date</b>	<b>Title</b>	<b>Relief</b>	<b>Date of decision</b>
29.01.1993	Gulzar Singh Vs. Karan Singh (CS-58-C)	Suit for declaration on the basis of family settlement	Dismissed as withdrawn on 03.04.1993

**FOURTH SUIT**

<b>Date</b>	<b>Title</b>	<b>Relief</b>	<b>Date of decision</b>
08.02.1993	Gulzar Singh Vs. Karan Singh (CS-74-C)	Suit for declaration on the basis of family settlement	Decreed on 13.02.1993

On the basis of decree dated 13.02.1993, Gulzar Singh was impleaded as a respondent in the suit filed by Jit Singh and a co-plaintiff in the suit filed by Karan Singh. The above factual matrix was duly agreed to be correct by both the counsel and the arguments raised.

3. Mr. Nehra, Advocate appearing for the review applicant-



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respondent No.3 (hereinafter referred to as “Applicant”), submits that the present review has been filed on account of an error apparent on the face of the record in the judgment passed by this Court on 30.09.2019. Learned counsel has emphasized specifically with regard to Issue No.2 (on page 4 of the judgment) regarding whether the judgment and decree obtained by Gulzar Singh against Karan Singh was the result of fraud, was not adjudicated by the Court.

Another issue adjudicated qua *mesne* profits, which was not granted by the trial Court, however, on an appeal filed by Gulzar Singh and Karan Singh, which was partly allowed by the first Appellate Court, granting them liberty to approach the Court of competent jurisdiction for assessment. A preliminary decree was also passed in this regard. However, the above stated issue was not adjudicated upon by this Court while deciding all the three regular second appeals, which, it is submitted, constitutes an error apparent on the face of the record.

Mr. Nehra places reliance on Order 20 Rule 5 of the Code of Civil Procedure to substantiate his submission that the Court was bound to adjudicate and return findings on all the issues framed while deciding the appeals. He further relies upon the judgment passed by the Hon’ble Supreme Court in “*The Agricultural Produce Marketing Committee Bangalore vs. The State of Karnataka and Ors.*” (Civil Appeal Nos. 1346-1347 of 2022, paragraph 8.4) and “*Santosh Hazari vs. Purushotam Tiwari (deceased) by LRs*” (Civil Appeal No. 1117 of 2001, decided on 08.02.2001) in support of his argument. He reiterates his contention that the



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Court was under an obligation to return findings on each issue raised in the appeal.

4. *Per contra*, Mr. Jain, learned Senior Advocate appearing on behalf of the respondent/non-applicant (herein after referred to as “respondent”), submits that the present review application is mala fide and abuse of process of law. Learned Senior counsel submits that the present application has been filed solely to protract the litigation. The Senior counsel contends that the primary issue raised by the applicant that the Court failed to return findings on all issues is contrary to the record. He relies upon page 6 of the judgment dated 30.09.2019 and asserts that the counsel appearing for the appellant, Jit Singh, and his legal representatives (LRs) had expressly conceded all other issues and pressed only those specifically mentioned in the judgment. The relevant paragraph reads as under:

*“Counsel for the parties have conceded that two questions that require determination in the appeal are (i) whether the appellant has successfully proved that he tendered Rs.10,000/- for payment to respondent No.1 on or before 31.01.1980 and non-payment thereof is due to failure of defendant No.1 to received the same. If not so, what are the consequence and (ii) whether defendant No.1 was under an obligation to send a notice to the appellant rather a notice in writing informing him about execution of conveyance deed in his favour or knowledge of said conveyance deed on the part of appellant is sufficient to obligate him to file a suit for specific performance on expiry of six months from the date of knowledge of said conveyance deed, registered in favour of defendant No.1 on*



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*6.10.1980.”*

Consequently, an estranged Legal Representatives of Jit Singh cannot now be permitted to raise the plea that the Court failed to return findings on all issues.

5. However, as regards to the second argument advanced by the counsel for the applicant that the Court did not record any finding or discussion on the issue of *mesne* profits, learned Senior counsel for the respondents submits that the said contention is without merit and is unsustainable. The suit for possession and grant of *mesne* profits, filed by the answering respondent was only partly decreed and that too solely in relation to possession of the property. In the first appeal (Civil Appeal No.130 of 2001) filed by respondents, the first Appellate Court while allowing the appeal returned the following findings:

*“Resultantly in view of the above discussion and for the foregoing reasons there is no scope for interference with the findings recorded by the lower Court so far as relief regarding possession is concerned and as such the findings of the lower Court regarding relief of possession are affirmed whereas findings of the lower court regarding mesne profits are reversed and set aside. Consequent upon affirming the findings regarding possession of the appeal titled as Jit Singh Versus Karan Singh is dismissed whereas the appeal titled Karan Singh Versus Jit Singh is accepted and in addition to relief of possession the plaintiffs are held entitled to mesne profits and for that purpose the plaintiffs shall apply to the lower court for conducting an inquiry regarding mesne profits. Hence it is ordered that preliminary decree for mesne profits*



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*be drawn up and final decree for relief of possession be drawn.  
Parties are left to bear their own costs xxxxx”.*

6. On the strength of the above factual matrix, learned Senior counsel for the respondent has raised a two-fold argument. Firstly, there is not even a single averment in the review application regarding the issue of *mesne* profits. Secondly, the answering respondent has never pressed for *mesne* profits and does not intend to do so in the future. Therefore, any finding on this issue is inconsequential.

7. Learned Senior counsel further submits that the conduct of the applicant is *mala fide*, as is evident from the factual matrix. Initially, the applicant deliberately chose not to be impleaded as a legal representative of Jit Singh, and was accordingly impleaded only as a proforma respondent. Subsequently, an application under Order XXII Rule 10 of Code of Civil Procedure was filed by the applicant seeking to be impleaded as parties on the strength of a Will allegedly executed by Jit Singh. The said application was rejected by this Court. Admittedly, the sons of applicant also filed Special Leave Petitions challenging the order dated 30.09.2019 as well as another order dated 27.8.2020, whereby the application under Order XXII Rule 10 of Code of Civil Procedure was dismissed. However, the SLPs were also dismissed.

8. Consequently, an execution petition was filed by the respondents. However, despite being fully aware of the orders passed by the Courts up till the Hon'ble Supreme Court, Trilok Singh (present applicant)



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filed an objection petition in the execution proceedings, which was also dismissed. After the dismissal of objection petition, Trilok Singh (present applicant) preferred a civil revision No.348 of 2021 before the Hon'ble High Court. It was only during the pendency of the said civil revision that the present review application came to be filed. It is submitted that the said revision petition has also been dismissed and identical grounds were raised therein.

9. Learned senior counsel has vehemently asserted that the entire litigation initiated by Trilok Singh and his sons has been conducted by the same counsel, and there has been no plea to suggest estranged relations between Trilok Singh and his sons or with other legal heirs. Therefore, this entire exercise by Trilok Singh amounts to an abuse of the process of law.

10. The next argument raised by the learned Senior counsel for the respondent is that it is undisputed that Jit Singh had filed a suit for specific performance, which was dismissed by all Courts, right upto the Hon'ble Supreme Court of India. Furthermore, the review petition does not raise any ground seeking review in respect of the suit for specific performance or the findings returned therein, which have attained finality. Once the findings in the suit for specific performance have attained finality, the rights of the legal representatives of Jit Singh, including those of the applicant, have already stand adjudicated. Therefore, even assuming, for the sake of argument, that no findings were returned on the issues of whether the decree between Gulzar Singh and Karan Singh was obtained by fraud,



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misrepresentation, or and whether *mesne* profits were discussed, such non-findings are inconsequential to the rights of Trilok Singh, which would derive only from the rights of Jit Singh, which applicant has failed to establish.

11. Lastly, the Senior Counsel submitted that the scope of review under Order XLVII Rule 1 of Code of Civil Procedure is very limited, and that no error apparent on the face of the record exists, much less an error that would adversely affect the rights of the applicant at this stage. The possession of the property has already been taken. He further reiterates that he shall not pursue any claim for *mesne* profits and prays for the dismissal of the review application with costs.

12. In rebuttal, the learned counsel for the applicant/respondent No.3 submits that the contentions raised by respondent No.2 that there is no averment in the review application regarding the findings on specific performance is misplaced. He submits that such reconsideration or his raising/agitating anything qua the findings returned in the suit for specific performance, would arise only once this review is allowed.

13. Heard learned counsel for the parties at length and have gone through the entire records. However, before proceeding in the matter it is imperative to reproduce the Order XLVII Rule 1 of Code of Civil Procedure which reads as under:

***“1. Application for review of judgment.***

*(1) Any person considering himself aggrieved-*

*(a) by a decree or order from which an appeal is allowed,  
but from which no appeal has been preferred,*



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*(b) by a decree or order from which no appeal is allowed,  
or*

*(c) by a decision on a reference from a Court of Small  
Causes,*

*and who, from the discovery of new and important matter  
or evidence which, after the exercise of due diligence was  
not within his knowledge or could not be produced by him  
at the time when the decree was passed or order made, or  
on account of some mistake or error apparent on the face  
of the record of for any other sufficient reason, desires to  
obtain a review of the decree passed or order made  
against him, may apply for a review of judgment to the  
Court which passed the decree or made the order.*

*(2) A party who is not appealing from a decree or order may  
apply for a review of judgment notwithstanding the pendency  
of an appeal by some other party except where the ground of  
such appeal is common to the applicant and the appellant, or  
when, being respondent, he can present to the Appellate Court  
the case on which he applies for the review.*

***Explanation**-The fact that the decision on a question of law on  
which the judgment of the Court is based has been reversed or  
modified by the subsequent decision of a superior Court in any  
other case, shall not be a ground for the review of such  
judgment.”*

14. It is settled proposition of law that the compass to entertain a review application is very narrow and while referring to the precedents the Hon’ble Apex Court in the judgment **Sanjay Kumar Agarwal Versus State Tax Officer (1) & Anr. (2023 INSC 963)**, summarized various key principles to prevent review petitions from becoming "appeals in disguise".

The same are read as under:

*“16. The gist of the afore-stated decisions is that: -*

*(i) A judgment is open to review inter alia if there is a  
mistake or an error apparent on the face of the  
record.*

*(ii) A judgment pronounced by the Court is final, and  
departure from that principle is justified only when*



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- circumstances of a substantial and compelling character make it necessary to do so.*
- (iii) *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 record justifying the court to exercise its power of review.*
  - (iv) *In exercise of the jurisdiction under Order 47 Rule 1 CPC, it is not permissible for an erroneous decision to be “reheard and corrected.”*
  - (v) *A Review Petition has a limited purpose and cannot be allowed to be “an appeal in disguise.”*
  - (vi) *Under the guise of review, the petitioner cannot be permitted to reagitate and reargue the questions which have already been addressed and decided.*
  - (vii) *An error on the face of record must be such an error which, mere looking at the record should strike and it should not require any long-drawn process of reasoning on the points where there may conceivably be two opinions.*
  - (viii) *Even the change in law or subsequent decision/ judgment of a co-ordinate or larger Bench by itself cannot be regarded as a ground for review.*

15. While considering the review application in light of the peculiar facts and circumstances of the case, the following points come out.

16. Admittedly, the applicant-respondent No.3, who is one of the legal representatives of the appellant-Jit Singh, did not join the proceedings at the stage when the legal heirs were impleaded as parties, and was therefore impleaded as proforma-respondent No.3. It is also admitted that the sons of the applicant-respondent No.3 filed an application seeking to be impleaded as parties to the *lis*, asserting their rights based on Will allegedly executed by Jit Singh. Further, the applicant has not placed any document on record to demonstrate that he was not aware of the proceedings. It is also admitted fact that, the entire *lis* has attained finality up to the Hon’ble Apex Court both at the instance of other LRs of Jit Singh as well as on the



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instance sons of the present applicant.

17. In addition to the above, no ground has been brought forth that could justify the maintainability to the present review applications, especially when the applicant cannot claim any rights superior to those of Jit Singh. The well- settled proposition of law as has also been held by the Hon'ble Apex Court in the Judgment of **Sulthan Said Ibrahim Versus Prakasan& Ors.[Civil Appeal No. 7108 of 2025 @ SLP (C) No. 4307 of 2022]**that after an impleadment as a legal heir under Order XXII Rule 4 CPC has reached finality, particularly in cases where there had been no objection raised or challenged at the requisite stage, any subsequent attempt to assail such impleadment relying upon Order I Rule 10 CPC is not permissible and stands barred by the doctrine of *res judicata*. The Court underlined that procedural liberty should not be used to reopen finalized matters, and allowing such strategies would erase judicial finality and fair adjudication. The relevant paragraph of the judgment is read as under:

*“54. Thus, as the dictum of the law as extracted aforesaid indicates, the only manner in which a decision arrived at by a court of competent jurisdiction can be interfered with is by modification or reversal by the appellate authorities. In the present case, the order for impleadment of the appellant as a legal heir was made by the Trial Court after due inquiry under Order XXII, as also observed by the Trial Court in its order rejecting the application under Order I Rule 10. Evidently, neither any objection was raised by the appellant before the Trial Court nor any revision was preferred subsequently against the said order. Thus, it could be said that the issue as regards the impleadment of the appellant as a legal heir of the original defendant had attained finality between the parties and thus the subsequent application under Order I Rule 10 seeking to get his name deleted from the array of parties could*



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*be said to be barred by res judicata. Undoubtedly, the expression “at any stage of the proceedings” used in Order I Rule 10 allows the court to exercise its power at any stage, however the same cannot be construed to mean that the defendant can keep rearguing the same objection at different stages of the same proceeding, when the issue has been determined conclusively at a previous stage. Allowing the same would run contrary to the considerations of fair play and justice and would amount to keeping the parties in a state of limbo as regards the adjudication of the disputes.”*

18. In addition to the above, the applicant also challenged the orders passed in the execution petition, which too have been dismissed. Furthermore, possession of the property has already been handed over to respondent No.2 and there exists no error apparent on the face of the record, nor any miscarriage of justice warranting the invocation of review jurisdiction. The present applications appear to be mala fide, as the applicant/respondent No.3 initially chose not to join the proceedings as LRs of the appellant and thereafter failed to contest the applications filed by his sons, who claimed rights on the basis of purported Will. Now, after the dismissal of SLPs, applicants cannot be permitted to reopen the entire issue under the guise of a review.

19. It is also pertinent to mention that the applicant has not raised a single challenge to the findings returned by the Courts at all levels in the suit filed by Jit Singh seeking specific performance, which has attained finality up till Hon’ble Apex Court. In the absence of any challenge to the findings in the suit for specific performance and in view of the fact that the



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applicant cannot be better placed than Jit Singh, the present review applications deserve to be dismissed.

20. All the three review applications are accordingly dismissed, and the applicant is imposed with the cost of Rs.10,000/- for each review application, amounting to a total of Rs. 30,000, which shall be deposited by the applicant-respondent No.3, within three months, Rs.10,000/- each in Day Care Centre for Elderly Disabled in home for Old & Destitute People, Sector-15, Chandigarh is being run by Chandigarh Scheduled Castes, Backward Classes & Minorities Financial & Development Corporation, Sadhna Society for the Mentally Handicapped Near Housing Board Chowk, Raen Basera Building Manimajra, Sector-13, Chandigarh and Spinal Rehab Centre, Chandigarh Plot No.1, Madhya Marg, Setor 28-A, Chandigarh, respectively.

21. Pending application(s), if any, stands disposed of.

22. Photocopy of this order be placed on the files of other connected review applications.

**May 27, 2025**

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**(ALOK JAIN)  
JUDGE**

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No