
(2014) 01 AP CK 0090

In the Andhra Pradesh High Court

Case No : W.A.M.P. No. 3719 of 2013 in Writ Appeal No. 252 of 2012

Bokka Sree Rama Krishna

APPELLANT

Vs

Osmania University and Others

RESPONDENT

Date of Decision : 31-01-2014

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 47 Rule 1

Citation : (2015) 1 ALD 537 : (2014) 2 ALT 652

Hon'ble Judges : K.C. Banu, J;A. Rajasekhar Reddy, J

Bench : Division Bench

Advocate : Deepak Bhattacharjee, SC for Osmania University for Respondent Nos. 1 to 5, G.P. for Higher Education for Respondent No. 6 and Mr. Ponnamm Ashok Goud, Asst. Solicitor General for Respondent Nos. 7 to 10, Advocate for the Respondent

Final Decision : Dismissed

Judgement

K.C. Bhanu, J.—This petition is filed to review the order, dated 10-10-2013 made in W.A. No. 252 of 2012 on the ground that the order suffers from perversity and illegality as the same was passed without taking into consideration of the hitherto recorded docket proceedings and interim order, dated 29-02-2012. A perusal of the order, dated 29-02-2012 would disclose that without prejudice to the rights and contentions of either party, the appellant may now be permitted to appear for the Pre-PhD examination to be conducted on 01-03-2012 and 03-03-2012. The said order has not been taken into consideration while passing the order under review and there is no grievance for the petitioner in respect of the interim order, dated 29-02-2012 passed by this Court. The petitioner is aggrieved for not consideration of the interim order of this Court, dated 10-10-2013 (sic) wherein it was held "we would like these objections to be placed on record by the Osmania University along with an affidavit so that we can look to them. We would also like to see the relevant guidelines in this regard, which shall also be placed on record".

2. Further an interim order was passed by this Court on 19-06-2013 whereunder the appeal has to be posted along with the Writ Petition. On this ground, the party-in-person stated that non-consideration of these interim orders would amount to error apparent on the face of the record.

3. Review of the order has to be considered in the light of the principles as laid down under Order XLVII Rule 1 CPC, which reads thus:

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.

(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 or 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.

The above provision makes it clear that any one of the grounds has to be satisfied by the party-in-person so as to review the order of this Court. The error apparent on the face of record should be so patent that a bare perusal of order and the record on which it is based would show that there was error. Error is a mistake of law or fact in the judgment. No such error of law or fact is brought to our notice that was apparent in the judgment. Similarly no other sufficient reason is shown so as to review the judgment. After hearing the party-in-person, we came to the conclusion that the interim prayer and the main prayer is one and the same and therefore, the same cannot be granted at the stage of interlocutory, which amounts to allowing of writ petition. Therefore, to protect the interests of the petitioner, we requested the learned single Judge to dispose of the Writ Petition itself as expeditiously as possible after giving reasonable opportunity to both parties. Law is well settled that any interim order is passed, that is not binding precedent and it cannot be looked into for deciding the main matter. Therefore, non-consideration of earlier interim orders, which are in the nature of interlocutory would not be a ground to review the order of this Court. We do not find any error apparent on the face of the record so as to review the

order.

Accordingly, the petition is dismissed.