

(2014) 07 DEL CK 0218

In the Delhi High Court

Case No : Review Petition No. 286/2014, CM Nos. 10198 and 10200/2014 in LPA 808/2012

National Textile Corporation Ltd.

APPELLANT

Vs

UOI

RESPONDENT

Date of Decision : 08-07-2014

Acts Referred:

Citation : (2014) 07 DEL CK 0218

Hon'ble Judges : G. Rohini, C.J;Rajiv Sahai Endlaw, J

Bench : Division Bench

Advocate : Sanjoy Ghose and Arti Singh, Advocate for the Appellant; Ruchir Mishra and Arti Singh, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Rajiv Sahai Endlaw, J.—The respondent no. 2 UCO Bank seeks review of judgment dated 10th February, 2014 allowing the aforesaid appeal.

2. We have, without entering into the aspect of delay in applying for review, heard the counsel for the review applicant/respondent no. 2 on merits of the review petition.

3. We may at the outset state that the counsel who has applied for review on behalf of the respondent no. 2 UCO Bank was not the counsel in the appeal and not the counsel who had appeared when the appeal was heard. The counsel now appearing also does not controvert that the stand taken by the earlier counsel in response to the appeal or at the time of hearing was as recorded in the judgment dated 10th February, 2014. Instead of pointing out any mistake or error apparent on the face of the existing record what is done, is to blame the earlier counsel for not bringing the correct facts before this Court and a case, entirely different from that earlier set up in response to the appeal and taken at the time of hearing, is sought to be taken.

4. A review is not intended to be a second chance/second innings. It is not

meant to be an opportunity for different counsels applying their respective legal acumen to attempt to differently argue a matter. The counsel now appearing for the respondent No. 2 UCO Bank wants to argue the appeal afresh and on grounds which were not taken by the counsel who had earlier argued the appeal. The same, in our view is impermissible. It is not for a litigant to judge the counsel's wisdom after the case has been decided. Once the case has been fully argued and decided on merits, no application for review lies on the ground that the case should have been differently argued. A review is by no means an appeal in disguise. The Supreme Court, in *Dokka Samuel Vs. Dr Jacob Lazarus Chelly*, held that even omission to cite an authority of law is not a ground for reviewing the prior judgment. Similarly, in *Tamil Nadu Electricity Board and another Vs. N. Raju Reddiar and another*, it was held that review is not and should not be an attempt for hearing the matter again on merits; the practise of a different advocate appearing at the stage of review, was deprecated.

5. Though in the review application it is vaguely stated that a counter affidavit had been filed by the review applicant/respondent no. 2 before the learned Single Judge but upon our asking the counsel for the review applicant/respondent no. 2 whether what is now stated in the review application was stated in the counter affidavit filed before the learned Single Judge, the counsel now appearing though not in custody of the said counter affidavit fairly admits that it was not so pleaded.

6. Though the aforesaid is enough to dismiss this review application, we may also record that the new version pleaded in the review application is also not supported by any documents.

7. We do not find any case made out for reviewing the judgment dated 10th February, 2014.

Dismissed.