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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Judgement reserved on: 09.10.2026***
Judgement delivered on: 27.10.2026

 # CNR No. DLHC010262532022

\+ FAO(OS) 79/2022, CM APPL. 35227/2026 (Ex.), CM APPL. 35228/2026 (Extension of time for filing Court fees) & CM APPL. 35229/2026 (Stay)

EARTHZ URBAN SPACES PVT LTD .....Appellant

Through: Mr. Avishkar Singhvi, Ms. Tanushka Agrawal, Ms. Ridhima Manchanda and Mr. Akash Raja Sahib, Advocates.

versus

RAVINDER MUNSHI & ORS. .....Respondents

Through: Ms. Sanam Tripathi and Ms. Anjali Kaushik, Advocates.

CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

J U D G E M E N T

HARISH VAIDYANATHAN SHANKAR, J.

REVIEW PET. 247/2026 (by Petitioner to review the judgment dated 09.10.2025) & CM APPL. 35226/2026 (delay of 130 days in filing review)

1. The present Review Petition has been filed under Section 114 of the **Code of Civil Procedure, 1908**[1], by the **Applicant/**

[1] CPC

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Appellant/Review Petitioner[2] challenging the **Judgment dated 09.10.2025**[3] passed by this Court in the captioned Appeal, being FAO (OS) 79/2022.

2. The present Review Petition is also accompanied by an Application under Section 5 of the Limitation Act, 1963, seeking the condonation of delay of 130 days in filing the captioned Review Petition.

SUBMISSIONS MADE ON BEHALF OF THE REVIEW PETITIONER:

3. Mr. Singhvi, learned counsel appearing on behalf of the Review Petitioner, limits his challenge in the present Review Petition to the contents of Paragraph Nos. 31, 36 and 39 of the Impugned Judgment as also to the imposition of costs of Rs. 5,00,000/- to be paid to the Respondents. We deem it appropriate to reproduce the said paragraphs of the Impugned Judgement, which read as under:

> "**31**. We are also constrained to observe that the reliance placed on various electronic communications is wholly misplaced. The WhatsApp messages and Zoom transcripts relied upon by the Appellant do not evince any concluded or binding contract; instead, they only reflect ongoing negotiations. The materials produced are not only inconclusive but appear to have been selectively extracted in order to mislead the Court.
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> **36**. In the present case, even on a prima facie evaluation, the indispensable element of valid consideration is wholly absent. The Appellant has failed to demonstrate that any payment was in fact made, much less accepted by the Respondents. In such circumstances, the foundation of the suit appears to be tenuous.
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> **39**. The law recognizes that the Courts are vested with the power, in appropriate cases, to exempt properties from the rigours of Section 52 of the TP Act. The rationale behind such an exemption is to insulate genuine property owners from being

[2] Review Petitioner
[3] Impugned Judgment

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Signing Date:29.10.2026 17:31:20

> trapped in vexatious, frivolous, or mala fide litigations, and to deter land-grabbers, speculators, and false claimants from misusing judicial processes to create artificial obstacles in the real estate market. In our considered opinion, the present case falls squarely within the four corners of these observations.
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> **49.** We are also of the view that the present Appeal itself is devoid of merit, is clearly an abuse of the process of law, and deserves to be dismissed with exemplary costs. Accordingly, the present Appeal is dismissed with costs of Rs. 5,00,000/- payable to the Respondents."

4. Learned counsel appearing on behalf of the Review Petitioner submits that the observations made in Paragraph 39 are imputing that the Review Petitioner herein is a *"land-grabber"* and the same is a rather uncharitable observation and would require review.

5. Furthermore, he also raises objections with respect to the contents of Paragraph 36. He submits that the said observation is unsustainable. He submits that the Review Petitioner's case has *prima facie* merits over that of the Respondents and, therefore, the observations made in the said paragraph warrant reconsideration.

6. During the course of arguments, learned counsel appearing on behalf of the Review Petitioner candidly and fairly submits that he does not wish to press the challenge with respect to Paragraph 31.

7. He further submits that the imposition of costs is likely to be considered an imputation and has a negative connotation; therefore, the same may be waived.

8. No further arguments were advanced and the adjudication of the present Review Petition will be confined to the grounds recorded hereinabove.

ANALYSIS:

9. We have heard learned counsel appearing on behalf of the Review Petitioner and have carefully examined the grounds urged in

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support of the present Review Petition, as well as the judgment dated 09.10.2025 passed in FAO (OS) 79/2022.

10. At the outset, it is necessary to delineate the scope of the jurisdiction exercised by this Court while considering a Review Petition. Section 114 of the Code of Civil Procedure, 1908, read with Order XLVII Rule 1 thereof, permits review only on limited and well-recognised grounds, including the discovery of new and important matter or evidence which, despite the exercise of due diligence, was not within the knowledge of the applicant or could not be produced at the time when the order was passed; a mistake or error apparent on the face of the record; or any other sufficient reason recognised in law. The power of review is not an appellate power in disguise and cannot be exercised merely because a party is dissatisfied with the conclusions reached by the Court or seeks a reconsideration of the material already examined. This Court is also guided by the judgement of the Hon'ble Supreme Court in ***State of Telangana v. Mohd. Abdul Qasim***[4]**,** the relevant extract of which reads as under:

> **"24.** Section 114 read with Order 47 Rule 1 CPC, 1908 is verbatim similar to Section 623 CPC, 1877, except for the Explanation to Order 47 Rule 1 which was added by way of an amendment in the year 1976. Section 114 CPC, 1908 speaks of the circumstances, instances and situations under which a review can be filed. The words "*as it thinks fit*" cannot be interpreted to mean anything beyond what is conferred under Order 47 Rule 1. In other words, Section 114 has to be read along with Order 47 Rule 1. While they are to be read together, Section 114 is more procedural, whereas Order 47 Rule 1 is substantially substantive.
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> **25.** The words "*due diligence*", though one of fact, places onus heavily on the one who seeks a review. It has to be seen from the point of view of a reasonable and prudent man. Though an element of flexibility is given to any evidence or matter on its discovery, it has to be one which was not available to the court earlier. It could not have been produced despite due diligence, meaning thereby

[4] (2024) 6 SCC 46

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Signing Date:29.10.2026 17:31:20

that it should have been available and, therefore, in existence at least at the time of passing the decree.

26. Mistake or error apparent on the face of record would debar the court from acting as an appellate court in disguise, by indulging in a re-hearing. A decision, however erroneous, can never be a factor for review, but can only be corrected in appeal. Such a mistake or error should be self-evident on the face of record. The error should be grave enough to be identified on a mere cursory look, and an omission so glaring that it requires interference in the form of a review. Being a creature of the statute, there is absolutely no room for a fresh hearing. The court has got no role to involve itself in the process of adjudication for a second time. Instead, it has to merely examine the existence of an apparent mistake or error. Even when two views are possible, the court shall not indulge itself by going into the merits.

27. The material produced, at this stage, should be of such pristine quality which, if taken into consideration, would have the logical effect of reversing the judgment. Order 47 Rule 1CPC, 1908 indicates that power of review can be exercised by courts, in three different situations, but these occasions ought to be read in an analogous manner. In other words, they should be read in a manner to mean that a restrictive power has been conferred upon the court. As stated, the words "*for any other sufficient reason*" ought to be read in conjunction with the earlier two categories reiterating the scope. Being a judicial discretion, it has to be exercised with circumspection and on rare occasions. It is a power to be exercised by way of an exception, subject to the rigours of the provision.

28. A subsequent event *per se* cannot form the basis of a review. Clause (*c*) of Order 47 Rule 1CPC, 1908, clearly specifies that the important matter or evidence produced must have been available at the time when the decree was passed. This is a matter of rule. On a very rare occasion, an exception can be carved out. Such an exception can only be exercised when the said matter or evidence is of unimpeachable quality. It is not only a new matter or evidence that should be taken into consideration, but it should also be an important one.

29. While exercising the said power, the court has to first check the evidentiary value of such discovery, including the circumstances under which it emanated, particularly when it inherently lacks jurisdiction or the evidence cannot be made admissible in law and therefore, is not relevant. In such a circumstance, there is no question of proceeding further in deciding the review application.

Precedents

30. Now, we shall place on record decisions rendered by this Court on the above principle of law discussed by us.

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Signing Date:29.10.2026 17:31:20

Power of review is not to be confused with powers of the appellate court in appeal jurisdiction

31.*Aribam Tuleshwar Sharma* v. *Aribam Pishak Sharma* [*Aribam Tuleshwar Sharma* v. *Aribam Pishak Sharma*, (1979) 4 SCC 389] : (SCC p. 390, para 3)

> "*3.* The Judicial Commissioner gave two reasons for reviewing his predecessor's order. The first was that his predecessor had overlooked two important documents Exts. A/1 and A/3 which showed that the respondents were in possession of the sites even in the year 1948-49 and that the grants must have been made even by then. The second was that there was a patent illegality in permitting the appellant to question, in a single writ petition, settlement made in favour of different respondents. We are afraid that neither of the reasons mentioned by the learned Judicial Commissioner constitutes a ground for review. It is true as observed by this Court in *Shivdeo Singh* v. *State of Punjab* [*Shivdeo Singh* v. *State of Punjab*, 1961 SCC OnLine SC 29 : AIR 1963 SC 1909] there is nothing in Article 226 of the Constitution to preclude a High Court from exercising the power of review which inheres in every court of plenary jurisdiction to prevent miscarriage of justice or to correct grave and palpable errors committed by it. *But, there are definitive limits to the exercise of the power of review. The power of review may be exercised on the discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent on the face of the record is found; it may also be exercised on any analogous ground. But, it may not be exercised on the ground that the decision was erroneous on merits. That would be the province of a court of appeal. A power of review is not to be confused with appellate powers which may enable an appellate court to correct all manner of errors committed by the subordinate court*."
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> (emphasis supplied)

Error apparent on the face of record

32.*Northern India Caterers (India) Ltd.* v. *State (UT of Delhi)* [*Northern India Caterers (India) Ltd.* v. *State (UT of Delhi)*, (1980) 2 SCC 167] : (SCC pp. 171-72, paras 8-9)

> "*8.* *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*

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Signing Date:29.10.2026 17:31:20

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* [*Sajjan Singh*v. *State of Rajasthan*, 1964 SCC OnLine SC 25, para 20 : AIR 1965 SC 845 : (1965) 1 SCR 933, 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* [*G.L. Gupta* v. *D.N. Mehta*, (1971) 3 SCC 189 : 1971 SCC (Cri) 279 : (1971) 3 SCR 748, 750] . 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. Mohindroo* v. *Distt. Judge, Delhi* [*O.N. Mohindroo* v. *Distt. Judge, Delhi*, (1971) 3 SCC 5 : (1971) 2 SCR 11, 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 Order 47 Rule 1 of the Code of Civil Procedure, 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"* : *Sow Chandra Kante* v. *Sk. Habib* [*Sow Chandra Kante* v. *Sk. Habib*, (1975) 1 SCC 674] .

9. Now, besides the fact that most of the legal material so assiduously collected and placed before us by the learned Additional Solicitor General, who has now been entrusted to appear for the respondent, was never brought to our attention when the appeals were heard, we may also examine whether the judgment suffers from an error apparent on the face of the record. *Such an error exists if of two or more views canvassed on the point it is possible to hold that the controversy can be said to admit of only one of them. If the view adopted by the Court in the original judgment is a possible view having regard to what the record states, it is difficult to hold that there is an error apparent on the face of the record*."

(emphasis supplied)

33.*Parsion Devi* v. *Sumitri Devi* [*Parsion Devi* v. *Sumitri Devi*, (1997) 8 SCC 715] : (SCC p. 719, paras 9-10)

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"*9. Under Order 47 Rule 1CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. 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 the record justifying the court to exercise its power of review under Order 47 Rule 1CPC. In exercise of the jurisdiction under Order 47 Rule 1CPC it is not permissible for an erroneous decision to be "reheard and corrected". A review petition, it must be remembered has a limited purpose and cannot be allowed to be "an appeal in disguise".*

10. Considered in the light of this settled position we find that Sharma, J. clearly overstepped the jurisdiction vested in the Court under Order 47 Rule 1CPC. The observations of Sharma, J. that "accordingly, the order in question is reviewed and it is held that the decree in question was of composite nature wherein both mandatory and prohibitory injunctions were provided" and as such the case was covered by Article 182 and not Article 181 cannot be said to fall within the scope of Order 47 Rule 1CPC. *There is a clear distinction between an* ***erroneous decision and an error apparent on the face of the record****. While the first can be corrected by the higher forum, the latter only can be corrected by exercise of the review jurisdiction*. While passing the impugned order, Sharma, J. found the order in civil revision dated 25-4-1989 as an *erroneous* decision, though without saying so in so many words. Indeed, while passing the impugned order Sharma, J. did record that there was a mistake or an error apparent on the face of the record which was not of such a nature, "which had to be detected by a long-drawn process of reasons" and proceeded to set at naught the order of Gupta, J. However, mechanical use of statutorily sanctified phrases cannot detract from the real import of the order passed in exercise of the review jurisdiction. Recourse to review petition in the facts and circumstances of the case was not permissible. The aggrieved judgment-debtors could have approached the higher forum through appropriate proceedings to assail the order of Gupta, J. and get it set aside but it was not open to them to seek a "review" of the order of Gupta, J. on the grounds detailed in the review petition. In this view of the matter, we are of the opinion that the impugned order of Sharma, J. cannot be sustained and we accordingly accept this appeal and set aside the impugned order dated 6-3-1997."

(emphasis in original and supplied)

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Meaning of the words "for any other sufficient reason" in Order 47 Rule 1CPC, 1908

34.*Chhajju Ram* v. *Neki* [*Chhajju Ram* v. *Neki*, 1922 SCC OnLine PC 11] : (SCC OnLine PC)

"*It will be observed that the question with which their Lordships have to deal is one concerned not with appeal to a Court of Appeal, but with review by the Court which had already disposed of the case. In England it is only under strictly limited circumstances that an application for such a review can be entertained. In India, however, provision has for long past been made by legislation for review in addition to appeal. But as the right is the creation of Indian statute law, it is necessary to see what such statutory law really allows. The law applicable to the present case is laid down by Order 47 Rule 1 of the Code of Civil Procedure, 1908. This Rule is enacted in the following terms*:

'**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,

(*b*) by a decree or order from which no appeal is hereby 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.'

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If their Lordships felt themselves at liberty to construe the language of Order 47 of the Code of Civil Procedure, 1908 without reference to its history and to the decisions upon it, their task would not appear to be a difficult one. For it is obvious that the Code contemplates procedure by way of review by the Court which has already given

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Signing Date:29.10.2026 17:31:20

judgment as being different from that by way of appeal to a Court of Appeal. The three cases in which alone mere review is permitted are those of new material overlooked by excusable misfortune, mistake or error apparent on the face of the record, or "any other sufficient reason". The first two alternatives do not apply in the present case, and the expression "sufficient", if this were all, would naturally be read as meaning sufficiency of a kind analogous to the two already specified, that is to say, to excusable failure to bring to the notice of the Court new and important matters, or error on the face of the record. But before adopting this restricted construction of the expression "sufficient", it is necessary to have in mind, in the first place, that the provision as to review was not introduced into the Code for the first time in 1908, but appears there as a modification of previous provision made in earlier legislation : and, in the second place, that the extent of the power of a court in India to review its own decree under successive forms of legislative provision has been the subject of a good deal of judicial interpretation, not, however, in all cases harmonious. That, the power given by the Indian Code is different from the very restricted power which exists in England appears plain from the decision in *Charles Bright & Co. Ltd.* v. *Sellar* [*Charles Bright & Co. Ltd.* v. *Sellar*, (1904) 1 KB 6 (CA)] , where the Court of Appeal discussed the history of the procedure in England and explained its limits.

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Their Lordships have examined numerous authorities, and they have found much conflict of judicial opinion on the point referred to. There is plainly no such preponderance of view in either direction as to render it clear that there is any settled course of decision which they are under obligation to follow. Some of the decisions in the earlier cases may have been influenced by the wider form of expression then in force, and these decisions may have had weight with the learned Judges who, in cases turning on the subsequent Code, had regarded the intention of the legislature as remaining unaltered. But their Lordships are unable to assume that the language used in the Codes of 1877 and 1908 is intended to leave open the questions which were raised on the language used in the earlier legislation. They think that Rule 1 of Order 47 must be read as in itself definitive of the limits within which review is today permitted, and that reference to practice under former and different statutes is misleading. So construing it they interpret the words "any

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Signing Date:29.10.2026 17:31:20

other sufficient reason" as meaning a reason sufficient on grounds at least analogous to those specified immediately previously. Such an interpretation excludes from the power of review conferred the course taken by the second and third Division Bench, composed of Wilberforce, J., and Scott Smith, J., and by Wilberforce, J., and LeRossignol, J., respectively. The result is that the judgments given by these two Division Benches ought to be set aside, and that of the Bench of the Chief Court composed of Scott Smith, J., and Leslie Jones, J., restored, so that the suit will stand dismissed. The respondent-plaintiffs must pay the costs here and in the courts below."

(emphasis supplied)

Discovery of new matter or evidence

35.*State of W.B.* v. *Kamal Sengupta* [*State of W.B.* v. *Kamal Sengupta*, (2008) 8 SCC 612 : (2008) 2 SCC (L&S) 735] : (SCC p. 633, paras 21-22)

"*21*. At this stage it is apposite to observe that where a review is sought on the ground of discovery of new matter or evidence, such matter or evidence must be relevant and must be of such a character that if the same had been produced, it might have altered the judgment. In other words, mere discovery of new or important matter or evidence is not sufficient ground for review *ex debito justitiae*. Not only this, the party seeking review has also to show that such additional matter or evidence was not within its knowledge and even after the exercise of due diligence, the same could not be produced before the court earlier.

22. The term "mistake or error apparent" by its very connotation signifies an error which is evident per se from the record of the case and does not require detailed examination, scrutiny and elucidation either of the facts or the legal position. If an error is not self-evident and detection thereof requires long debate and process of reasoning, it cannot be treated as an error apparent on the face of the record for the purpose of Order 47 Rule 1CPC or Section 22(3)(*f*) of the Act. To put it differently an order or decision or judgment cannot be corrected merely because it is erroneous in law or on the ground that a different view could have been taken by the court/tribunal on a point of fact or law. In any case, while exercising the power of review, the court/tribunal concerned cannot sit in appeal over its judgment/decision."

An order can be reviewed only on the prescribed grounds mentioned in Order 47 Rule 1CPC, 1908

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Signing Date:29.10.2026 17:31:20

36. *Shri Ram Sahu* v. *Vinod Kumar Rawat* [*Shri Ram Sahu* v. *Vinod Kumar Rawat*, (2021) 13 SCC 1 : (2023) 2 SCC (Civ) 686] : (SCC pp. 25-26, para 10)

"*10.* To appreciate the scope of review, it would be proper for this Court to discuss the object and ambit of Section 114CPC as the same is a substantive provision for review when a person considering himself aggrieved either by a decree or by an order of court from which appeal is allowed but no appeal is preferred or where there is no provision for appeal against an order and decree, may apply for review of the decree or order as the case may be in the court, which may order or pass the decree. *From the bare reading of Section 114CPC, it appears that the said substantive power of review under Section 114CPC has not laid down any condition as the condition precedent in exercise of power of review nor the said section imposed any prohibition on the court for exercising its power to review its decision. However, an order can be reviewed by a court only on the prescribed grounds mentioned in Order 47 Rule 1CPC, which has been elaborately discussed hereinabove. An application for review is more restricted than that of an appeal and the court of review has limited jurisdiction as to the definite limit mentioned in Order 47 Rule 1CPC itself. The powers of review cannot be exercised as an inherent power nor can an appellate power be exercised in the guise of power of review*."

(emphasis supplied)

Evidence cannot be reappreciated in review

37. *Kerala SEB* v. *Hitech Electrothermics & Hydropower Ltd.* [*Kerala SEB* v. *Hitech Electrothermics & Hydropower Ltd.*, (2005) 6 SCC 651] : (SCC p. 656, para 10)

"*10.* This Court has referred to several documents on record and also considered the documentary evidence brought on record. This Court on a consideration of the evidence on record concluded that the respondent had been denied power supply by the Board in appropriate time which prevented the respondent from starting the commercial production by 31-12-1996. This is a finding of fact recorded by this Court on the basis of the appreciation of evidence produced before the Court. *In a review petition it is not open to this Court to reappreciate the evidence and reach a different conclusion, even if that is possible*. The learned counsel for the Board at best sought to impress us that the correspondence exchanged between the parties did not support the conclusion reached by this Court. *We are afraid such a submission cannot be*

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Signing Date:29.10.2026 17:31:20

> *permitted to be advanced in a review petition. The appreciation of evidence on record is fully within the domain of the appellate court. If on appreciation of the evidence produced, the court records a finding of fact and reaches a conclusion, that conclusion cannot be assailed in a review petition unless it is shown that there is an error apparent on the face of the record or for some reason akin thereto*. It has not been contended before us that there is any error apparent on the face of the record. *To permit the review petitioner to argue on a question of appreciation of evidence would amount to converting a review petition into an appeal in disguise*."
>
> (emphasis supplied)"

11. The jurisdiction of review, therefore, does not extend to a rehearing of the matter on merits or to a reassessment of the evidence with a view to arriving at a different conclusion. An error which requires elaborate reasoning, a fresh appreciation of the material on record, or an adjudication between competing interpretations cannot ordinarily be characterised as an error apparent on the face of the record. It is against this limited statutory framework that the grounds urged by the Review Petitioner are required to be examined.

12. At the outset, it is clarified that the challenge pressed in the present Review Petition is confined to the observations contained in paragraph 36 and paragraph 39 of the Impugned Judgement dated 09.10.2025, as well as with the direction imposing costs of ₹5,00,000/- upon the Review Petitioner. The challenge to paragraph 31 has expressly not been pressed by learned counsel. Accordingly, no adjudication is called for in respect of paragraph 31, and the present analysis shall remain confined to the grounds which continue to be pressed.

13. Insofar as paragraph 36 of the judgment is concerned, the Review Petitioner objects to the observation which states: "even on a

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Signing Date:29.10.2026 17:31:20

prima facie evaluation, the indispensable element of valid consideration was wholly absent". It is the contention of the learned counsel for the Review Petitioner that the said observation is unsustainable. He submits that the Review Petitioner's case has *prima facie* merits over that of the Respondents and, therefore, the adverse observations made in the said paragraph warrant reconsideration. The paragraph, however, does not rest upon an abstract or isolated observation. It records that the Appellant therein had failed to demonstrate that any payment had in fact been made, much less accepted by the Respondents, and proceeds to observe that the foundation of the suit appeared tenuous in such circumstances.

14. A perusal of the judgment as a whole demonstrates that the aforesaid observation was made in the context of the material placed before the Court while examining the challenge to the dismissal of the application for interim injunction and the exemption of the suit property from the operation of Section 52 of the Transfer of Property Act, 1882. The judgment had already considered the absence of a receipt evidencing the alleged cash payment and the absence of material demonstrating encashment of the cheques relied upon by the Appellant. Paragraph 36, therefore, reflects the conclusion drawn from the material considered in the judgment and cannot be read in isolation from the reasoning preceding it.

15. The Review Petitioner has not demonstrated that the aforesaid observation suffers from an error which is self-evident from the record or that any new and important evidence, unavailable despite due diligence at the relevant time, has been brought forward to warrant review. The contention, in substance, seeks reconsideration of the inference drawn by the Court from the material already examined.

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Signing Date:29.10.2026 17:31:20

Such a request falls outside the limited scope of review jurisdiction. Whether the material ought to have been appreciated differently is a question concerning the merits of the adjudication and cannot, by itself, furnish a ground for review under Order XLVII Rule 1 CPC. Accordingly, no ground for review is made out in respect of paragraph 36.

16. The next ground concerns paragraph 39 of the judgment, wherein the Court, after referring to the legal principles governing exemption from the operation of Section 52 of the Transfer of Property Act, 1882, observed that the present case fell within the category of cases involving vexatious, frivolous or mala fide litigation and the misuse of judicial process to create artificial obstacles in the real estate market. Learned counsel for the Review Petitioner contends that these observations are uncharitable and wrongly characterise the Review Petitioner as a "land-grabber".

17. The submission, however, also proceeds on a reading of paragraph 39 in isolation. The paragraph must be understood in the context of the discussion preceding and following it. The Court had considered the legal position concerning the doctrine of *lis pendens*, the nature of the material relied upon by the Appellant, the terms of the Memorandum of Understanding dated 02.06.2021, the inconsistencies in the case pleaded, and the absence of credible material demonstrating payment of consideration. The observations in paragraph 39 were made while applying the legal principles concerning the exemption of property from the operation of Section 52 of the Transfer of Property Act to the facts of the case.

18. The impugned paragraph does not, in any terms, record a finding that the Review Petitioner is a 'land-grabber'. The expression

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Signing Date:29.10.2026 17:31:20

relied upon by learned counsel forms part of the Court's discussion of the class of litigation against which the legal principle is directed. The conclusion that the present case fell within the scope of those observations was drawn in the context of the reasoning recorded in the judgment. The mere fact that the Review Petitioner considers the language uncharitable, or disagrees with the inference drawn by the Court, does not establish that the paragraph contains an error apparent on the face of the record.

19. The Review Petitioner has not identified any mistake apparent on the face of the record in the statement of law contained in paragraph 39, nor has it demonstrated that the observation resulted from an error which can be corrected without reopening the factual and legal assessment undertaken in the appeal. The request to strike off or expunge the observations is, in substance, founded upon disagreement with the Court's assessment of the case. Such disagreement cannot be converted into a ground for review merely by describing the observations as uncharitable or unsustainable. Consequently, the challenge to paragraph 39 does not satisfy the requirements of Section 114 read with Order XLVII Rule 1 CPC.

20. Adverting now to the challenge to the imposition of costs of ₹5,00,000/-. The Review Petitioner submits that the direction imposing costs is unwarranted and carries a negative connotation. It further contends that the case had *prima facie* merits and that the imposition of costs was therefore unjustified and is also derived from the observations on merits made in the Impugned Judgement. The question for consideration in review, however, is not whether the Review Petitioner would prefer a lesser amount or whether a different view could have been taken in the matter. The question is whether the

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Signing Date:29.10.2026 17:31:20

direction imposing costs discloses a reviewable error within the meaning of Section 114 read with Order XLVII Rule 1 CPC.

21. A perusal of the judgment demonstrates that the direction imposing costs was not passed independently of the adjudication of the Appeal. In paragraph 43, the Court concluded that the captioned Appeal was devoid of merit and constituted an abuse of the process of law, and accordingly dismissed it with exemplary costs of ₹5,00,000/- payable to the Respondents.

22. The imposition of costs does not necessarily entail the casting of aspersions on any litigant. Rather, it reflects the time and effort expended by the Court in adjudicating various issues, particularly where the Court finds that the litigation has been initiated on what appeared, in the opinion of the Court, to be a clearly unsustainable basis and has nonetheless been pursued. In such circumstances, it becomes the bounden duty of the Courts to discourage such litigation, and the imposition of costs is one means of doing so.

23. The Review Petitioner has not shown that the direction in the present case suffers from an error apparent on the face of the record or any other defect falling within the limited statutory grounds for review. The prayer to waive or set aside the costs, therefore, cannot be granted merely on the basis of the Review Petitioner's dissatisfaction with the conclusion reached in the judgment.

24. It is reiterated that the present proceedings cannot be converted into an Appeal against the Impugned Judgement. The Court is not required, in exercise of review jurisdiction, to undertake a fresh assessment of the contractual documents, electronic communications, alleged payments or the merits of the claim for interim relief. The only inquiry is whether the specific grounds pressed by the Review

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Signing Date:29.10.2026 17:31:20

Petitioner disclose a ground falling within Section 114 read with Order XLVII Rule 1 CPC. For the reasons recorded hereinabove, neither the challenge to paragraph 36, nor the challenge to paragraph 39, nor the challenge to the direction imposing costs satisfies that requirement.

25. Accordingly, the Review Petitioner has failed to establish any error apparent on the face of the record, discovery of new and important matter or evidence despite due diligence, or any other sufficient reason warranting the exercise of review jurisdiction. The present Review Petition is, therefore, devoid of merit and is liable to be dismissed.

26. At this juncture, it is also of import to note that the Application seeking condonation of delay, in the view of this Court, has not provided any satisfactory and sufficient cause, so as to condone the delay.

27. The explanation furnished by the Review Petitioner is that the Review Petition was initially e-filed on 08.11.2025 and thereafter re-filed on 14.11.2025, but the Registry raised objections on account of incorrect categorisation. It is further stated that the petition was filed under the correct category on 16.01.2026, whereafter further Registry objections were raised, including the requirement to file an application for condonation of delay. It is, however, noted that the log sheet of the Review Petition shows that the same came to be finally filed on 11.05.2026; it is unintelligible to the mind of this Court, from the perusal of the Application, as to what was the reason for not filing the Review Petition from 16.01.2026 to 11.05.2026.

28. The Review Petitioner attributes the delay to the successive filings under an incorrect category and the objections raised by the

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Signing Date:29.10.2026 17:31:20

Registry. However, the Application does not, merely by setting out these events, dispense with the requirement of demonstrating sufficient cause for the entire period of delay, along with the period of 16.01.2026 to 11.05.2026. The assertion that the Review Petitioner acted diligently, or that it has a good case on merits, cannot independently substitute for a satisfactory explanation accounting for the delay.

29. In the present case, the explanation furnished does not sufficiently account for the entire period of delay and is conspicuously silent as to why the Review Petition was not diligently pursued during the period from 16.01.2026 to 11.05.2026. The explanation, therefore, does not warrant the exercise of discretion under Section 5 of the Limitation Act, 1963, as the application fails to establish sufficient cause for condonation of the delay of 130 days. This Court, therefore finds no ground to condone the delay.

CONCLUSION:

30. Accordingly, while the application seeking condonation of delay fails to establish sufficient cause for the delay of 130 days, this Court finds that, even on merits, the Review Petition does not disclose any ground warranting review under Section 114 read with Order XLVII Rule 1 of the Code of Civil Procedure, 1908. Consequently, CM APPL. 35226/2026, as well as the Review Petition, are dismissed.

31. The Review Petition, along with the pending application(s), if any, stands disposed of in the aforesaid terms.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.

OCTOBER 27, 2026/tk/va

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