

Curative Petition

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What is a curative petition?

A curative petition is the last constitutional resort available for redressal of grievances in court after a review plea is dismissed or has been exhausted. The concept of curative petition originated from a landmark judgment in Rupa Ashok Hurra V. Ashok Hurra and Anr. The concept was evolved by the apex court to prevent the miscarriage of justice and to prevent abuse of process.

Conditions for curative petition

- The petitioner has to provide a genuine reason by which violation of natural justice can be established and biases of the judge and his or her judgment has affected him adversely.
- In the petition, there shall be specifically mentioned grounds that it had been taken for review petition and was dismissed in the process of circulation.
- The Curative Petition shall be certified by the senior lawyers or an advocate related to fulfillment of the requirements.
- The petition is sent to three senior judges and also to the judges who have given their judgment which affected the petition, if available.
- If the majority of the judges agree that the matter of the case needs the hearing, then as far as possible it is sent to the same bench.
- The court can impose emergency costs to the petitioner if his plea does not meet the following condition and requirement.

Features of the petition

- The curative petition is normally decided by judges' in-

chamber, in rare and exceptional cases, it can be given an open-court hearing.

- A curative petition is a second-time review, but not a matter of right. There is no time limit for filing curative petitions.
- Once a decision is given by the Supreme Court of India, the same may be considered final and binding. However, in the interest of justice, Art 137 was incorporated into the constitution, which provided that the apex court subject to the provisions of any law made by Parliament, has the power to review any judgment pronounced or order made by it.