

Review petition

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What is a review petition?

- In India, a binding decision of the Supreme Court/High Court can be reviewed in a review petition. A review petition can be filed by the parties aggrieved by the decisions of the Supreme Court. The provision of review is an **exception to the principle of stare decisis** as courts generally do not unsettle a decision, without a strong case. [**Stare decisis** are a **legal doctrine** that obligates courts to follow historical cases when making a ruling on a similar case. A Stare decisis ensures that cases with similar scenarios and facts are approached in the same way.]
- As per **Article 137** of the Constitution of India and the **rules made under Article 145**, the Supreme Court of India has the power to review its judgment pronounced by it. As per Supreme Court rules, 1966 such a **petition is to be filed within 30 days of the pronouncement of judgment or order** and that petition should be circulated without oral arguments to the **same bench** that delivered the judgment.
- Furthermore, if a review petition is dismissed by the Supreme Court, it may consider a **curative petition** filed by the petitioner so as to prevent abuse of process. In accordance with Order XVII, Rule 1(1) of Code of Civil Procedure, 1908, a civil review petition can be moved. While a criminal review petition can be filed only on the ground of error apparent on the face of the record.
- The review will lie in the Supreme Court on the following grounds: Discovery of new important matters of evidence; Mistake or error on the face of the record; any other sufficient reason.
- A review of such a judgment is an **exceptional**

phenomenon, permitted only where a grave and glaring error or other well-established ground is made out. The finality of the order of the highest court of the land should not be lightly unsettled.