

Review Plea

September 15, 2020

A number of recent Supreme Court decisions have given currency to the expression review petition. Ram Janmabhoomi verdict, Telecom revenue verdict, Prashanth Bhushan case are some of the instances where review of verdict was sought.

Legality of Review Plea

- A judgment of the Supreme Court becomes the law of the land, according to the Constitution. It is final because it provides certainty for deciding future cases.
- However, the Constitution itself gives, under **Article 137**, the Supreme Court the power to review any of its judgments or orders.
- This departure from the Supreme Court's final authority is entertained under specific, narrow grounds. So, when a review takes place, **the law is that it is allowed not to take fresh stock of the case but to correct grave errors that have resulted in the miscarriage of justice.**

Grounds for Review Plea

- The court has the power to review its rulings to **correct a 'patent error' and not 'minor mistakes of inconsequential import'**. It is rare for the Supreme Court to admit reviews.
- In a 2013 ruling, the Supreme Court itself laid down three grounds for seeking a review of a verdict it has delivered
 - . the **discovery of new and important matter or evidence which**, after the exercise of due diligence, was not within the knowledge of the petitioner or could not be produced by him
 - . mistake or **error apparent on the face of the record**
 - . any other sufficient reason.

- In subsequent rulings, the court specified that 'any sufficient reason' means a reason that is analogous to the other two grounds.

Filing of Review Petition

- It is not necessary that only parties to a case can seek a review of the judgment on it. As per the Civil Procedure Code and the Supreme Court Rules, **any person aggrieved by a ruling can seek a review.**
- However, the court does not entertain every review petition filed. It exercises its discretion to allow a review petition only when it shows the grounds for seeking the review.

Procedure for Review Petition

- As per 1996 rules framed by the Supreme Court, a review petition must be **filed within 30 days of the date of judgment** or order. In certain circumstances, the court can condone a delay in filing the review petition if the petitioner can establish strong reasons that justify the delay.
- Review petitions would **ordinarily be entertained without oral arguments by lawyers.** It is heard through circulation by the judges in their chambers.
- Review petitions are also heard, as far as practicable, by the **same combination of judges who delivered the order** or judgment that is sought to be reviewed.

Curative Petition

- Even when the review petition fails, as the court of last resort, the Supreme Court's verdict cannot result in a miscarriage of justice.
- In **Roopa Hurra v Ashok Hurra (2002)**, the court itself evolved the concept of a curative petition, which can be heard after a review is dismissed to prevent abuse of its process.

- A curative petition is also entertained on very narrow grounds like a review petition, and is generally not granted an oral hearing.
- A curative petition is **required to be certified by a senior advocate** and then it is circulated to the three senior most judges and the judges who delivered the impugned judgment. There is no time limit for filing a curative petition and it is guaranteed under Article 137 of the Constitution of India.