

Overview of Judicial Review in India

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ABSTRACT

The review petition is a petition in which it is prayed before the Court of Law to review its order or judgment which it has already pronounced. The Court may accept a review petition when a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility. The parties aggrieved on any order may file the review petition within 30 days of the Order passed by the Supreme Court or High Court. Furthermore, even after dismissal of a review petition, the Supreme Court may consider a curative petition in order to prevent abuse of its process and to cure gross miscarriage of justice.

KEYWORDS: Re-examination, re-consideration, Pronounced Judgment, error apparent, Stare Decisis, Fair Hearing and Trial, Constitutional Amendments, Procedure established by Law, Due Process of Law, Patent Mistake or Error, Evident per se, Palpable Error, Curative Petition, Mutual consent

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I. INTRODUCTION

The term ‘**review**’ means re-examination or re-consideration, or to think or talk about something again, in order to make changes to it or to make a decision about it, or a formal assessment of something with the intention of instituting change, if necessary.¹ Basic philosophy inherent in it is the universal acceptance of human fallibility. An application for review may be necessitated by way of invoking the doctrine ‘*actus curiae neminem gravabit*’ which means an act of the Court shall prejudice no man. The other maxim is ‘*lex non cogitad impossibillia*’ which means that the law does not compel a man to do that what he cannot possibly perform.

In Legal sense ‘**Review Petition**’ means filing of application before the Hon’ble Court to re-examine the material facts and verification of records relating to pronounced judgment.² It is legally given another chance to the aggrieved parties to file a petition before the Court of Law on an error apparent on the face of the record.³ In India, a binding decision of the Supreme Court/High Court can be reviewed in Review Petition. The parties aggrieved on any order of the Supreme Court on any apparent error can file a review petition.⁴ Taking into consideration the principle of Stare Decisis; courts generally do not unsettle a decision, without a strong case.⁵ This provision regarding review is an exception to the legal principle of Stare Decisis. Let me take this opportunity to explain ‘Stare Decisis’. The policy of the Court to stand by precedent is termed as ‘Stare Decisis’.⁶ In literal sense, it means ‘to stand by decided matters.’ The phrase ‘stare decisis’ is itself short of the Latin phrase “stare decisis et non quieta movere”. This phrase means “to stand by decisions and not to disturb settled matters.”⁷

The right to file for a review of a judgment is an exception to the Latin concept of *functus officio*.⁸ The Latin doctrine ‘*functus officio*’ is applicable with respect to a judgment passed by any court following due procedure of law.⁹ The doctrine means that a case cannot be re-opened if a judgment in a case has been pronounced after a due and fair hearing and trial.

¹ Justice Syed Shah Mohammed Quadri, Judicial Review of Administrative Action, (2001) 6 SCC (Jour) 1

² Id

³ https://publiclawproject.org.uk/wp-content/uploads/data/resources/6/PLP_Short_Guide_3_1305.pdf.

⁴ Id

⁵ H. Seervai, Constitutional Law of India 559 (1968).

⁶ Id

⁷ Corwin, Edward S., A Constitution of Powers in a Secular State, **The Michie Company, USA**, 1951, p. 3-4.

⁸ Gae, R.S. “Amendment of Fundamental Rights”, **Journal of Indian Law Institute**, Vol.9, No.4, 1967

⁹ Id

Genesis of Review Petition

The concept of Judicial Review was first mentioned in the case of **Marbury -vs- Madison**¹⁰ in 1803 by Chief Justice Marshall. In India the concept was marked not by a particular case but by a series of pronouncements of constitutional amendments which are very rigid in nature.¹¹ As the Supreme Court of India is the guardian of Indian Constitution, therefore, from time to time it scrutinizes the validity of constitutional amendment laws.¹² Parliament has the supreme power to amend the Constitution but cannot abrogate the basic structure of the Constitution. This question came for consideration in **Shankari Prasad -vs- Union of India**,¹³ the first case on amendability of the Constitution and the validity of the Constitution (1st Amendment Act, 1951), curtailing the “Right to Property” guaranteed by Article 31 was challenged. Again in 1964, **Sajjan Singh -vs- State of Rajasthan**,¹⁴ the same question was raised when the validity of the Constitution (17th Amendment Act, 1964) was called in question and once again the Court revised its earlier view that constitutional amendments,¹⁵ made under Article 368 are outside the purview of Judicial Review of the Courts. In this case Constitution (17th Amendment Act, 1964) was challenged and upheld.¹⁶ In 1950, through the case of **A. K. Gopalan**¹⁷ the Courts adopted a strict approach and displayed the attitude of judicial restraint by declaring that the judiciary’s power of judicial review is subordinate to the ‘procedure established by law.’¹⁸ Therefore, the Indian Constitution refers to ‘procedure established by law’ and not ‘due process of Law’ like the Constitution of USA. However, in the case of **Keshavananda Bharti**,¹⁹ not only the Courts were able to overrule the judgment of Golak Nath but also acquire the capability to scrutinize any amendments that violate the basic structure of the Constitution of which independent judiciary forms a significant part.²⁰ Soon the Courts were observed to be following judicial review as part of the basic structure.

Scope of Review

The scope of the power of review was explained by the Court in **Northern India Caterers (India) -vs- Lt. Governor of Delhi**²¹ wherein the Court held that “a party is not entitled to seek a review of a judgment delivered by this Court merely for a purpose of re-hearing and a fresh decision in a case.²² Normally the principle is that a judgment pronounced 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.²³ If the attention of the Court is not drawn to a material statutory provision during the original hearing the Court will review its judgment. The Court may also re-open its judgment if a manifest wrong has been done and it is necessary to pass an order to do full and effective justice.”²⁴ In 1975 ruling, Justice Krishna Iyer said a review can be accepted “only where a glaring omission or patent mistake or like grave error has crept in earlier orders by judicial fallibility.” Thus it can be said that:-²⁵

- The Court has the power to review its rulings to correct a “patent error” and not “minor mistakes of inconsequential import”. A review is by no means an appeal in disguise.
- That means the Court is allowed not to take fresh stock of the case but to correct grave errors that have resulted in the miscarriage of justice.

II. REVIEW UNDER SECTION 114 OF CIVIL PROCEDURE CODE (CPC)

Section 114 of the Code of Civil Procedure, 1908, provides for a substantive power of review by the civil court and subsequently by the Appellate Courts. A **Civil Review Petition** can be moved in accordance of Order XLVII, Rule 1(1) of the Civil Procedure Code, 1908 and a **Criminal Review Petition** can be moved only

¹⁰ Marbury -vs- Madison (1803)

¹¹ Justice Syed Shah Mohammed Quadri, Judicial Review of Administrative Action, (2001) 6 SCC (Jour) 1.

¹² Supra Note 8

¹³ Shankari Prasad -vs- Union of India, (1951) AIR SC 458

¹⁴ Sajjan Singh -vs- State of Rajasthan, (1964) AIR 464

¹⁵ Supra Note 7

¹⁶ Supra Note 11

¹⁷ A. K. Gopalan (1950) AIR 27 SCR 88

¹⁸ Gae, R.S. “Amendment of Fundamental Rights”, **Journal of Indian Law Institute**, Vol.9, No.4, 1967

¹⁹ Keshavananda Bharti (1973) AIR SC 1461

²⁰ Supra Note 18

²¹ Northern India Caterers (India) -vs- Lt. Governor of Delhi (1978) AIR 1591 SCR(1) 557

²² Corwin, Edward S., A Constitution of Powers in a Secular State, **The Michie Company, USA**, 1951, p. 3-4

²³ Id

²⁴ Supra Note 18

²⁵ Supra Note 22

on the ground of an error apparent on the face of the record in terms of the Criminal Procedure Code, 1973.²⁶ Review Petition in respect of Tax Litigation is dealt with under Section 114 and Order 47 of CPC. Any aggrieved party by an order or judgment may apply for reviewing the said order or judgment to the same Court. It can be filed where no appeal is preferred or in case there is no provision for appeal. As per Order 47 Rule 1 of CPC, every court has been conferred power to review its own decision,²⁷ if its decision is vitiated by a mistake or error apparent on the face of record. But error on the face of record must be such error which must be evident per se from record of the case and does not require detailed examination, scrutiny and elucidation either of the facts or the legal position. Section 114 of the Civil Procedure Code does not prescribe any limitation on the power of the court but such limitations have been provided for in Order 47, Rule 1 of the CPC. The grounds on which review can be enumerated in Order 47, Rule 1 CPC, which read as under:

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,²⁸
 - (b) By a decree or order from which no appeal is allowed, or²⁹
 - (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,³⁰ 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 judgment to the court which passed the decree or made the order.³¹

So, the circumstances when review lies are:³²

- (a) Cases in which appeal lies but not preferred,
- (b) Cases in which no appeal lies,
- (c) Decisions on reference from Court of Small Causes, and

The grounds are:³³

- (i) Discovery of new and important matter or evidence, or
- (ii) Mistake or error apparent on the face of the record, or
- (iii) Any other sufficient reason.

Scope of an application for review is much more restricted than that of an appeal. The Supreme Court in **Lily Thomas -vs- Union of India**,³⁴ held that the power of review can only be exercised for correction of a mistake and not to substitute a view and that the power of review could only be exercised within the limits of the statute dealing with the exercise of such power.³⁵ The review cannot be treated like an appeal in disguise. The mere possibility of two views on the subject is not a ground for review.³⁶ Once a review petition is dismissed no further petition can be entertained. For review an application has to be made by the aggrieved party. When an appeal has been preferred a review application does not lie. But an appeal may be filed after an application for review. In such event the hearing of the appeal will have to be stayed. If the review succeeds the appeal becomes infructuous. After the amendment in Section 141 of the Code of the Civil Procedure and insertion of Explanation to that Section it is clear that the provisions of Order 47 of the Code do not apply to Writ Petitions filed in the High Court under Article 226 of the Constitution. However, there are definitive limits to the exercise of the power of review by the High Courts.

The legal propositions set out by the apex Court in **Gujarat University -vs- Sonal P. Shah**,³⁷ are as follows:-

- (1) The provisions of the Civil Procedure Code in Order 47 are not applicable to the High Court's power of review in proceedings under Article 226 of the Constitution,³⁸

²⁶ J N Pandey, The Constitutional Law of India, **Central Law Agency**

²⁷ Id

²⁸ Maxwell, The Interpretation of Statutes ; 12th Ed., second impression Rev. by P. St. J. Langan, N.M. Tripathi (P) Ltd., Bombay (1976)

²⁹ Id

³⁰ Supra Note 28

³¹ Corwin, Edward S., A Constitution of Powers in a Secular State , **The Michie Company, USA**, 1951, p. 3-4

³² Supra Note 26

³³ Supra Note 28

³⁴ Lily Thomas -vs- Union of India, AIR 2000 SC 1650

³⁵ Hargopal : The Indian Draftsman; Guide to Legal Drafting :10th Ed. Rev. by Nitin Khanna & A.C. Moitra, **The University Book Agency**, Allahabad. Vol. I & II (1995)

³⁶ Id

³⁷ Gujarat University -vs- Sonal P. Shah, AIR 1982 Guj 58

(2) The said powers are to be exercised by the High Court only to prevent miscarriage of justice or to correct grave and palpable errors. (The epithet 'palpable' means that which can be felt by a simple touch of the order and not which could be dug out after a long drawn out process of argumentation and ratiocination)³⁹

(3) The inherent powers, though ex facie plenary, are not to be treated as unlimited or unbridged, but they are to be invoked on the grounds analogous to the grounds mentioned in Order 47, Rule 1, namely:⁴⁰

- (i) Discovery of new evidence,
- (ii) Existence of some mistake/error,
- (iii) Analogous ground.

These are the three grounds referred to in Order 47, Rule 1 of CPC and by declaration of law at the hands of the Supreme Court in the above case they are the hedges or limitations of the High Court's power.

Review by the Supreme Court

The provisions of Order 47 apply to orders passed under the Code of Civil Procedure Article 137 of the Indian constitution confers power on the Supreme Court to review its judgments subject to the provisions of any law made by Parliament or the Rules made under Clause C of Article 145. The power of the Supreme Court, therefore, cannot be curtailed by the Code of Civil Procedure.

III. MANNER OF FILING AND PROCEDURE IN COURT:

Review petitions are ordinarily entertained without oral arguments by the Lawyers. Thus, it is heard "through circulation" by the judges in their chambers.⁴¹ However, in exceptional cases, the Court allows an oral hearing. In 2014, the Supreme Court held that review petitions in all death penalty cases will be heard in open court by a bench of three Judges. Till then, all review petitions including those relating to death penalty were disposed of by circulation without any oral arguments. Review Petition can also be heard by the same combination of Judges who delivered the original order or judgment that is sought to be reviewed.⁴² In certain circumstances, the court can condone the delay in filing the review petition if the petitioner can establish strong reasons that justify the delay. Review petition can be filed against the order passed by the High Court in the revision petition.⁴³ The High Court may admit/dismiss the review petition, but also has the power to reverse its earlier order after giving opportunity of hearing to both sides.

Time Limit

Article 137 of the Constitution provides that subject to provisions of any law and the rule made under Article 145, the Supreme Court of India has the power to review any judgment pronounced (or order made) by it. Under Supreme Court Rules 1996,⁴⁴ such a review application or petition needs to be filed by the affected party within thirty (30) days of the Order passed by the High Court or Supreme Court. While a judgment is the final decision in a case, an order is an interim ruling that is subject to its final verdict. 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. The decisions of both the Supreme Court and High Court can be reviewed in a Review Petition. It is also recommended that the petition should be circulated without oral arguments to the same bench of Judges that delivered the judgment (or order) sought to be reviewed.

Limitation: No application for review shall be entertained unless it is filed within thirty days (30) from the date of receipt of copy of the order sought to be reviewed.

Grounds for considering Review Petition

It needs to be noted that 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.⁴⁵ In a 2013 ruling, the Supreme Court has laid down three grounds for seeking a review of a verdict it has delivered:⁴⁶

- 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; or
- Any other sufficient reason that is analogous to the other two grounds.

³⁸ Supra Note 35

³⁹ Supra Note 31

⁴⁰ Supra Note 28

⁴¹ <https://www.kaanoon.com/23567/review-petition>

⁴² Id

⁴³ <https://www.researchgate.net/publication/228226363>

⁴⁴ Supra Note 31

⁴⁵ Hargopal : The Indian Draftsman; Guide to Legal Drafting :10th Ed. Rev. by Nitin Khanna & A.C. Moitra, **The University Book Agency**, Allahabad. Vol. I & II (1995)

⁴⁶ Id

However, in 2013 **Union of India -vs- Sandur Manganese & Iron Ores Ltd.**⁴⁷ Case, the Court laid down nine principles on when a review is maintainable.

IV. SUCCESS OF REVIEW PETITION:

A review Petition is being preferred only on limited ground, such as, an error apparent on the face of the record. Generally, review petition are heard by the Judges who had earlier decided the case.⁴⁸ The Judges may be called for the records relating to the said matter during re-hearing of the case for re-examination, if any, mistake happened in the order so pronounced by the Court. Hence, a chance of success in the review petition is very limited.⁴⁹

Case Laws:

(1) The Hon'ble Supreme Court in the case of **Lily Thomas -vs- Union of India**,⁵⁰ laid down the law in the following terms: (SCC pp. 247-48, Para 52)⁵¹

"52. The dictionary meaning of the word 'review' is 'the act of looking, offer something again with a view to correction or improvement.' It cannot be denied that the review is the creation of a statute. This Court in Patel Narshi Thakershi -vs- Pradyumansinghji Arjunsinghji, (1971) 3 SCC 844, held that the power of review is not an inherent power. It must be conferred by law either specifically or by necessary implication. The review is also not an appeal in disguise. It cannot be denied that justice is a virtue which transcends all barriers and the rules or procedures or technicalities of law cannot stand in the way of administration of justice. Law has to bend before justice. If the Court finds that the error pointed out in the review petition was under a mistake and the earlier judgment would not have been passed, but for erroneous assumption which in fact did not exist and its penetration shall result in a miscarriage of justice nothing would preclude the court from rectifying the error."

(2) The position in English Courts is also well accepted in **R -vs- IRC Ex parte Preston (1985) 4C 835=(1985) 2 A 11 ER 327=(1985) STC 282**⁵² Lord Scarman summed up the position in English Administrative Law, thus:⁵³

"My fourth proposition is that a remedy by way of judicial review is not to be made available where an alternative remedy exists. This is a proposition of great importance. Judicial review is a collateral challenge: it is not an appeal. When parliament has provided by statute appeal procedures, as in the taxing statutes, it will not be very rarely that the courts will allow the collateral process of judicial review to be used to attack an appealable decision. In the first part of the speech my noble and Learned friend, Lord Templeman, has set out in detail the ample appeal procedures available to the tax payer aggrieved by the decision of the Commissioners to exercise their powers and duties under Part XVII of the Act of 1970 to counteract a tax advantage alleged to have been obtained by him.....But cases for judicial review can arise even where appeal procedures are provided by Parliament. The present case illustrates the circumstances in which it would be appropriate to subject a decision of the Commissioners to judicial review. I accept that the court cannot in the absence of special circumstances decide by way of judicial review to be unfair that which the Commissioners by taking action against the taxpayer determined to be unfair."

(3) The Hon'ble High Court of Delhi in the case of **JSW Energy Limited -vs- Union Of India**,⁵⁴ reported in 2019 (17) G.S.T.L 198 (Bom), held that⁵⁵ *"the principles of judicial review, normally do not concern themselves with the decision itself, but are mostly confined to the decision making process. Such proceedings are not an appeal against the decision in question, but a review of the matter in which such decision may have been made. In judicial review, the Court sits in judgment over correctness of the decision making process and not on the correctness of the decision itself. In exercise of powers of judicial review, the Court is mainly concerned with*

⁴⁷ Supra Note 45

⁴⁸ www.utica.edu/academic/institutes/ecii/publications/articles/A0B7F51C-D8F9-A0D0-7F387126198F6.PDF.pdf

⁴⁹ Id

⁵⁰ Lily Thomas -vs- Union Of India (2000) 6 SCC 224

⁵¹ Id

⁵² <https://www.lawteacher.net/free-law-essays/constitutional-law/res-judicata-and-code-of-civil-procedure-constitutional-law-essay.php?vref=1>

⁵³ www.utica.edu/academic/institutes/ecii/publications/articles/A0B7F51C-D8F9-A0D0-7F387126198F6.PDF.pdf

⁵⁴ Id

⁵⁵ www.utica.edu/academic/institutes/ecii/publications/articles/A0B7F51C-D8F9-A0D0-7F387126198F6.PDF.pdf

the issues like the decision making authority exceeding its jurisdictional limits, committing errors of law, acting in breach of principles of natural justice or otherwise arriving at a decision which is ex facie unreasonable or vitiated by perversity.”

(4) The Supreme Court on 20th March, 2018 delivered a decision that resulted in widespread dismay among the members of the ST/SC community. In **Subhas Kashinath Mahajan -vs- The State of Maharashtra**,⁵⁶ a two Judge Bench comprising Justices AK Goel and UU Lalit decided to do away with the bar on grant of anticipatory bails in cases of atrocities under the SC/ST Prevention of Atrocities Act, 1989⁵⁷ and further laid down guidelines for the purpose of making arrests under the Act. In view of the resultant public outcry, the Centre approached the Supreme Court seeking review of the decision in *Subhas Kashinath Mahajan*.⁵⁸ The review petition was heard and admitted by the Court and is currently pending, though the interim plea for the stay on the guidelines issued in *Subhas Kashinath Mahajan* has been rejected.⁵⁹

(5) NEET Case

A review petition has been filed in the Supreme Court against the order permitting JEE Main and NEET exams in September.⁶⁰ The review petition, filed by six opposition-ruled states, seeks reconsideration of the Supreme Court order dated August 17, whereby the Central Government has been permitted to conduct JEE and NEET Exams.⁶¹ There are six petitioners, from six different states, who have filed the review petition in their individual capacity. The prayer seeks review of the judgment and final order dated August 17, 2020 passed by the Apex Court.⁶² Alternatively, it also prays for any other order as the court “may deem fit and proper in the circumstances of the case.” The National Eligibility-cum-Entrance Test (NEET) was scheduled to be held on 13th September, while the Engineering Entrance Exam (JEE-Mains) had been planned from September 1-6, 2020.⁶³ The exams had been deferred twice due to the Corona Virus Pandemic. It was last week that Supreme Court had dismissed a plea seeking postponement of the two exams amid COVID-19 pandemic, saying a ‘precious’ academic year of students ‘cannot be wasted’ and that life has to go on. Despite, the Court’s decision, students continue to voice their anger holding the exams at a time when the cases are at an all-high.⁶⁴ Students have also cited major concerns, such as lack of transportation and flood situation in some states. But still exams were conducted at the scheduled dates.

V. OPTION AFTER REVIEW PETITION FAILS

Hon’ble Supreme Court has recently passed many important judgments that transformed India. Connected with the judgments, four terms are often used. They are Special Leave Petition (SLP), Review Petition, Curative Petition and Mercy Petition.

In *Roopa Hurra -vs- Ashok Hurra* (2002),⁶⁵ 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. This was a case of matrimonial discord where the question of validity of a decree of divorce reached the Supreme Court after the women withdrew the consent she had given to divorce by mutual consent.⁶⁶ Thus, this petition is meant to ensure that there is no miscarriage of justice. It is usually decided by the Hon’ble Judges in the chamber, unless a specific request for an open-court hearing is allowed. The Court ruled that a curative petition can be entertained if the petitioner establishes there was a violation of the principles of natural justice, and that he was not heard by the Court before passing an order.⁶⁷ It will also be admitted where a Judge failed to disclose facts that raise the apprehension of bias. The Apex Court further held that curative petitions must be rare rather than regular, and be entertained with circumspection.

⁵⁶ Id

⁵⁷ <https://indiankanoon.org/doc/134715/>

⁵⁸ Id

⁵⁹ C.K. Takwani, *Civil Procedure with Limitation Act, 1963* 564, **Eastern Book Company**, 7th edition 2013

⁶⁰ Supra Note 52

⁶¹ Supra Note 53

⁶² Wade, *Administrative Law*, (1994), pp. 39-41

⁶³ Id

⁶⁴ Supra Note 59

⁶⁵ Id

⁶⁶ Supra Note 57

⁶⁷ <http://www.ielrc.org/content/c9103.pdf>

A curative petition must be accompanied by certification by a Senior Advocate, pointing out substantial grounds for entertaining it.⁶⁸ It must be first circulated to a bench of the three senior-most Judges, who passed the concerned judgment, if available. Only a majority of the Judges conclude that the matter needs hearing should it be listed- as far as possible, before the same Bench. It shall be open to the Bench at any stage of consideration of the curative petition to ask a senior Counsel to assist it as amicus curie. In the event of the Bench holding at any stage, that the petition is without any merit and vexatious, it may impose exemplary costs on the petitioner.⁶⁹

VI. CONCLUSION:

To summarize, it can be said that Judicial Review is one of the checks and balances in the separation of powers: the power of the Judiciary to supervise the Legislative and Executive branches when the latter exceed their authority. This concept should be understood in the context of both the development of two distinct Legal systems (Civil and Common Law) and two theories of democracy (legislative supremacy and separation of powers).

Review means re-examination or re-look of matter already decided by the Court. The party aggrieved with the decision/order passed by the Court,⁷⁰ may file review petition before the said court for re-examination of the order. However, the grounds on which such a petition can be accepted are very limited and stringent.⁷¹ The review petition may be admitted or dismissed depending upon the material of facts relating to the said matter. The review petition may be disposed off by the Court after giving a reasonable opportunity of hearing to both the parties.⁷² The Review Petition may be dismissed by the court if there is no error apparent on the face of the record, as seen in the recent cases, like Ayodhya Verdict, Sabarimala Temple Verdict, and Nirbhaya Verdict to name a few.⁷³ Where Sabarimala Temple Verdict is yet to be reviewed before a 9-Judges bench, Supreme Court dismissed all review petitions regarding Ayodhya Verdict and Nirbhaya Verdict citing “no error” found on the face of the main judgment.⁷⁴ Hence, it can be said that even though a review petition is a relief provided to the aggrieved party as a substantive as well as procedural right, this relief must be sought on strict and well-established grounds to prevent any kind of delay and surge of the cases in the Courts.

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⁶⁹ Supra Note 68

⁷⁰ <http://lawreview.byu.edu/archives/1992/1/haf.pdf.2354>

⁷¹ Id

⁷² Supra Note 67

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