

SUPREME COURT OF INDIA

Pandit Dhana Mali

Vs.

Bhimabai (D) Th. Lrs.

(R.C.Lahoti, D. Dharmadhikari and P. Balasubramanyan JJ.)

26.04.2005

ORDER

1. An application seeking review of the judgment passed by the High Court in second appeal has been dismissed on the ground 'not maintainable'. The learned single Judge of the High Court has held that as against a judgment in second appeal "a remedy by way of application of review is entirely misconceived". This proposition seems to have been too widely stated by the learned Judge. We clarify that a judgment in second appeal may also be open to review subject to a ground therefore being available within the meaning of Rule 1 Order XLVII of the Civil Procedure Code.
2. So far as the present case is concerned, having heard the learned counsel for the petitioner independent of the view formed by the High Court, we are satisfied that a case for review of the judgment was not made out.
3. The special leave petition is dismissed.