GAHC040016612026 undefined

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Review Pet./9/2026

Obuk Mize
Son of Shri Tamin Mize, resident of JNC Campus, Balek Road, PO and PS Pasighat, East Siang District, Arunachal Pradesh.781103

VERSUS

The State of AP and 4 Ors
represented by the Secretary, General Administration Department, Govt. of Arunachal Pradesh, Papum Pare District, Itanagar.791111

2:The Secretary
Age: 0
Occupation :
Law and Judicial Department
Itanagar
Govt. of Arunachal Pradesh
Papum Pare District
Itanagar.791111

3:The Deputy Commissioner
Age: 0
Occupation :
Itanagar Capital Complex
Papum Pare District
Arunachal Pradesh.791111

4:The Extra Assistant Commissioner
Age: 0
Occupation :
Itanagar Capital Complex
Naharlagun
Papumpare District

Arunachal Pradesh.791110

5:Taking Talom
Age: 0
Occupation :
Husband of Smti.Otuk Tamut Talom
Resident of D Sector
PO and PS Naharlagun
Papum Pare District
Arunachal Pradesh. 79111

Advocate for the Petitioner : R Taku, 2 J Singpho,M Biswas

Advocate for the Respondent : GA (AP),

B E F O R E

HON'BLE MR. JUSTICE SANJAY KUMAR MEDHI

Advocate for the petitioner : Shri M. Biswas, Advocate.

Advocate for the respondents : Ms. G. Ete, Addl. Sr. Govt. Advocate, A.P.

Date on which judgment is : Reserved.

Date of pronouncement of : 08.10.2026. Judgment.

Whether the pronouncement : NA. is of the operative part of the judgment?

Whether the full judgment : Yes. has been pronounced?

JUDGMENT & ORDER (Oral)

The present application under Chapter X of the Gauhati High Court Rules, read with Order XLVII Rules 1 and 2 of the CPC has been filed praying for review of the order dated 01.06.2026 passed in WPC No. 140(AP)/2022.

2. I have heard Shri M. Biswas, learned counsel for the applicant, who was the writ petitioner in the original WP(C)/140(AP)/2022.

3. Before going to the grounds on which the present application for review has been filed, it would be convenient if the brief facts of the case are put on record.

4. In the writ petition, it was projected that the respondent no. 5 had raised a dispute claiming money from the petitioner before the Extra Assistant Commissioner, Itanagar, in which, certain orders were passed whereby few Gaonburahs of different villages were selected for deciding the dispute. The *Mel* was accordingly held and there was an *ex parte* order whereby the petitioner was directed to pay Rs.20,20,000/- (Rupees Twenty lakhs twenty thousand) only. Thereafter, the execution proceedings were also held. The said matter was the subject matter of challenge.

5. The applicant/ writ petitioner was represented by Shri D. Panging, learned Senior Counsel along with other counsel who had raised the issue that selection of the Gaonburahs was without any authority of law. He had, however, conceded that there was no dispute to the fact of taking loan which was for an amount of Rs. 5,00,000/- and the applicant would be contended if a reasonable amount is directed to be paid by his client. He has also submitted that sufficient time had elapsed since the dispute had arisen in the year 2018 and the applicant was also agreeable to pay interest at the

existing bank rate of interest. Responding to the said submissions, Shri P. Taffo, learned Senior Counsel representing the respondent no. 5 had conceded that he would not oppose the proposal for amicable settlement in principle. He had, however, submitted that the amount involved was huge and accordingly proposed for an amount of Rs. 15,00,000/- at the minimal.

6. This Court, after considering the facts and circumstances and also taking into account that an amicable settlement was reached between the parties in principle as submitted by the respective learned Senior Counsel, this Court had thought it reasonable to direct payment of an amount of Rs. 11,00,000/- which would be inclusive of all interest. The said amount was directed to be paid within 45 days from the date of the order.

7. The instant application for review has been filed on certain grounds which touch upon the merit of the case. It has also been argued by Shri Biswas, the learned counsel, that there was no concluded settlement or unequivocally consent by the applicant for payment of Rs. 11,00,000/- and the expression of broad agreement, in principle, cannot be construed as a specific consent which was given by the applicant.It has also been argued that the applicant had offered an amount of Rs. 7,00,000/- in the year 2018 and therefore, grant of Rs.11,00,000/- was on the higher side.

8. The grounds urged and the materials placed before this Court have been carefully examined.

9. At the outset, this Court is reminded of the fact that the power exercised under Article 226 of the Constitution of India is plenary in nature and therefore, power of review is inherent. In this regard, one may gainfully refer to the case of ***M.M.***

Thomas Vs. State of Kerala and Ors., reported in **(2000) 1 SCC 666** wherein the following observations were made:

> "*14. The High Court as a court of record, as envisaged in Article 215 of the Constitution, must have inherent powers to correct the records. A court of record envelops all such powers whose acts and proceedings are to be enrolled in a perpetual memorial and testimony. A court of record is undoubtedly a superior court which is itself competent to determine the scope of its jurisdiction. The High Court, as a court of record, has a duty to itself to keep all its records correctly and in accordance with law. Hence, if any apparent error is noticed by the High Court in respect of any orders passed by it the High Court has not only power, but a duty to correct it. The High Court's power in that regard is plenary. In Naresh Shridhar Mirajkar v. State of Maharashtra a nine-Judge Bench of this Court has recognised the aforesaid superior status of the High Court as a court of plenary jurisdiction being a court of record.*"

10. Keeping in mind the aforesaid backdrop, the grounds urged have been examined. Though the powers of review are inherent, it is trite that the principles laid down in Order XLVII read with Section 114 of the CPC are to be followed which lays down that powers of review are to be exercised when there is an error apparent on the face of the records, when there is discovery of new facts which, even after due diligence was not within the knowledge of the party, and lastly, for sufficient grounds. Though the expression "sufficient grounds" is subjective, it has been laid down by the Hon'ble Supreme Court in a catena of decisions that powers of review are to be exercised in a circumscribed manner and such powers are not to be exercised by assuming appellate jurisdiction.

11. In the comprehension of this Court, none of the grounds urged can be deemed to be grounds for invoking the powers of review. No error apparent on the face of the records has been able to be made out and there is no discovery of new materials.

Further, there are no sufficient other reasons which have been able to be demonstrated by the applicant to invoke such jurisdiction.

12. There is another aspect in the matter. While the applicant was represented by a set of lawyers, including a Senior Counsel, the review has been filed by another set of lawyers. The Hon'ble Supreme Court in the case of ***T.N. Electricity Board & Anr. Vs. N. Raju Reddiar & Anr.***, reported in **(1997) 9 SCC 736** has severely deprecated the practice of filing repeated petitions in the form of review by changing Advocates. In fact, in the said case, apart from dismissing the application for review followed by clarificatory application, the Hon'ble Supreme Court had also imposed exemplary cost of Rs. 20,000/- as it was held to be an abuse of the process of the Court.

13. In the instant case, apart from the applicant approaching this Court with a new set of lawyers, there is not even a "No Objection" appended from the earlier lawyer which is also observed by the Hon'ble Supreme Court in the aforesaid decision.

14. In view of the aforesaid discussion, this Court is of the opinion that no case for review is made out and accordingly the review petition is dismissed.

15. This Court also deprecates the practice adopted of filing a review by change of lawyers. Though the Hon'ble Supreme Court in the aforesaid case of ***TN Electricity Board*** (*supra*) has imposed exemplary cost, this Court has reluctantly refrained from passing any orders imposing costs.

JUDGE

Comparing Assistant