



RESEARCH QUESTION

"Can a Supreme Court judgment be overturned in India, how do review petitions, curative petitions, and larger bench references work, and how does precedent under Article 141 of the Constitution bind other courts?"

Overturning Supreme Court Judgments: Review Petitions, Curative Petitions, Larger Bench References, and the Binding Force of Precedent Under Article 141

TL;DR

While a Supreme Court judgment in India is generally final, it can be reviewed under Article 137 to correct an error apparent on the face of the record, or reopened under Article 142 via curative jurisdiction to remedy a manifest miscarriage of justice. The Supreme Court in *Lily Thomas v. Union of India* (2000) established that while review powers are strictly circumscribed to prevent petitions from becoming appeals in disguise, coordinate benches must adhere to the precedent of larger benches to preserve the hierarchy and certainty of the law. Under Article 141, the binding force of Supreme Court precedent is confined strictly to its *ratio decidendi*, while references to larger benches are utilized to resolve coordinate conflicts and maintain judicial discipline.

VERIFIED CASES	STATUTES	LATEST RULING
25	4	2025
13 High Courts · 12 SC		Supreme Court of India

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I. Detailed Analysis

KEY PRINCIPLES ESTABLISHED

01 Strict Limits on Review Jurisdiction

The power of review under Article 137 is not a routine appellate power and cannot be used to rehear the case or re-appreciate evidence unless there is a glaring, patent error apparent on the face of the record, as held in *The State of Telangana & Ors. v. Mohd. Abdul Qasim (Died) Per LRs.* (2024).

02 Subsequent Changes in Law Bar Review

A subsequent change in the law or a later decision by a coordinate or larger Bench does not constitute a valid ground for reviewing a concluded judgment, as established in *Sanjay Kumar Agarwal v. State Tax Officer* (2023).

03 Exceptional Nature of Curative Petitions

Curative jurisdiction, rooted in Articles 129 and 142, is an extraordinary remedy invoked *ex debito justitiae* only to prevent an abuse of process or to resolve a gross, manifest miscarriage of justice, such as when conflicting final orders of the Court coexist on an identical evidentiary foundation, as ruled in *Surendra Koli v. The State of Uttar Pradesh & Anr.* (2025).

04 Registry's Administrative Limits in Curative Petitions

The Supreme Court Registry cannot administrative-wise reject a curative petition by determining substantive eligibility; such actions constitute judicial determinations that must be referred to a Judge in chambers, as held in *M/S Brahmaputra Concrete Pipe Industries v. The Assam State Electricity Board* (2024).

05 Article 141 Binds Through Ratio Decidendi

Under Article 141 of the Constitution, only the *ratio decidendi* (the underlying legal reasoning) of a Supreme Court decision is binding on subordinate courts, while individual factual findings or ultimate reliefs do not constitute binding precedent, as explained in *Amil Kumar Kalita v. State of Assam* (2023).

06 Coordinate Bench Discipline and Larger Bench References

To maintain certainty in the law, coordinate benches of equal strength are bound by prior decisions, and if a bench disagrees with a precedent, judicial decorum commands that it request the Chief Justice to constitute a larger Bench rather than deciding the issue independently, as established in *Tribhuvandas Purshottamdas Thakur v. Ratilal Motilal Patel* (1967).

HOW THE COURTS HAVE APPLIED THIS

SUPREME COURT POSITION	The apex court consistently rejects review petitions that seek to re-argue the case on its merits or simply repeat old and overruled arguments, holding that such attempts impermissibly seek to convert a review into a disguised appeal, as applied in <i>Mukesh v. State of NCT of Delhi</i> (2018).
HIGH COURT VARIATIONS	While High Courts possess plenary review powers under Article 226, they strictly apply the "apparent error" standard, refusing to exercise review jurisdiction when an error is not self-evident and can only be detected through an elaborate process of reasoning, as seen in <i>Premchand Nathu Patil v. State of Maharashtra</i> (2024).
RECENT EVOLUTION	The Supreme Court has actively intervened to correct subordinate courts and High Benches when they overstep their review limits by deleting key factual observations or conducting de facto merit rehearings under the guise of review, as demonstrated in <i>Shri Ram Sahu v. Vinod Kumar Rawat</i> (2020).

UNSETTLED AREAS OR CAVEATS

Indefiniteness of "Error Apparent"

What constitutes an "error apparent on the face of the record" remains conceptually indefinite because judicial opinions differ on whether an error is self-evident or requires a detailed process of reasoning to uncover, leaving the standard dependent on the facts of each case.

Curative Petition Timeframe Discretion

While the Supreme Court Rules 2013 do not prescribe a specific limitation period for filing curative petitions, the court retains wide judicial discretion to evaluate what constitutes a "reasonable time" on a case-by-case basis.

II. Statutory Provisions 4 PROVISIONS

ARTICLE 141, CONSTITUTION OF INDIA — LAW DECLARED BY SUPREME COURT TO BE BINDING ON ALL COURTS

Declares that the law established by the Supreme Court of India is binding on all other courts throughout the country.

"The law declared by the Supreme Court shall be binding on all courts within the territory of India." *Cited in:* Amil Kumar Kalita v. State of Assam

ARTICLE 137, CONSTITUTION OF INDIA — REVIEW OF JUDGMENTS OR ORDERS BY THE SUPREME COURT

Empowers the Supreme Court to review any of its own previously pronounced judgments or orders, subject to parliamentary laws and court-made rules.

"Subject to the provisions of any law made by Parliament or any rules made under article 145, the Supreme Court shall have power to review any judgment pronounced or order made by it." *Cited in:* Bhunesh Gandharwa v. State of Chhattisgarh, Ram Jethmalani & Ors. v. Union of India & Ors., Lily Thomas v. Union of India, The State of Telangana & Ors. v. Mohd. Abdul Qasim (Died) Per LRs., Haryana State Industrial Development Corporation Ltd. v. Mawasi, Surendra Koli v. The State of Uttar Pradesh & Anr., Mukesh v. State of NCT of Delhi, Anand Pralhadbhai Lokapur v. Veenaben D/o Balkrushna Natu, Union of India v. N. Subramanian, Kalaiselvi v. The Official Assignee, Government of Tamil Nadu v. R. Azhaharasan, State of Tamil Nadu v. S. Nagaraj, Government of Tamil Nadu v. S. Thangamani, State of Tamilnadu v. Secretary, Komarappa Sengunthar Higher Secondary School, Chennai Metropolitan Water Supply and Sewerage Board v. A. Paranjothi, Bank of India v. Thomas Chacko

ARTICLE 142, CONSTITUTION OF INDIA — ENFORCEMENT OF DECREES AND ORDERS OF SUPREME COURT

Empowers the Supreme Court to pass any decree or order necessary for doing complete justice in any matter pending before it.

"The Supreme Court in the exercise of its jurisdiction may pass such decree or make such order as is necessary for doing complete justice in any cause or matter pending before it, and any decree so passed or order so made shall be enforceable throughout the territory of India" *Cited in:* Bhunesh Gandharwa v. State of Chhattisgarh, Ram Jethmalani & Ors. v. Union of India & Ors., M/S Brahmaputra Concrete Pipe Industries v. The Assam State Electricity Board, Lily Thomas v. Union of India, The State of Telangana & Ors. v. Mohd. Abdul Qasim (Died) Per LRs., Haryana State Industrial Development Corporation Ltd. v. Mawasi, Surendra Koli v. The State of Uttar Pradesh & Anr., Mukesh v. State of NCT of Delhi, Amil Kumar Kalita v. State of Assam, Anand Pralhadbhai Lokapur v. Veenaben D/o Balkrushna Natu, Premchand Nathu Patil v. State of Maharashtra, Union of India v. N. Subramanian, Kalaiselvi v. The Official Assignee, Government of Tamil Nadu v. R. Azhaharasan, State of Tamil Nadu v. S. Nagaraj, Government of Tamil Nadu v. S. Thangamani, State of Tamilnadu v. Secretary, Komarappa Sengunthar Higher Secondary School, Chennai Metropolitan Water Supply and Sewerage Board v. A. Paranjothi, Bank of India v. Thomas Chacko

ARTICLE 145, CONSTITUTION OF INDIA — RULES OF COURT, ETC.

Authorizes the Supreme Court to make rules for regulating its practice and procedure, and establishes a minimum of five judges for deciding substantial questions of constitutional interpretation.

"The minimum number of Judges who are to sit for the purpose of deciding any case involving a substantial question of law as to the interpretation of this Constitution or for the purpose of hearing any reference under article 143 shall be five" *Cited in:* Bhunesh Gandharwa v. State of Chhattisgarh, Ram Jethmalani & Ors. v. Union of India & Ors., M/S Brahmaputra Concrete Pipe Industries v. The Assam State Electricity Board, Lily Thomas v. Union of India, The State of Telangana & Ors. v. Mohd. Abdul Qasim (Died) Per LRs., Haryana State Industrial Development Corporation Ltd. v. Mawasi, Surendra Koli v. The State of Uttar Pradesh & Anr., Mukesh v. State of NCT of Delhi, Amil Kumar Kalita v. State of Assam, Anand Pralhadbhai Lokapur v. Veenaben D/o Balkrushna Natu, Premchand Nathu Patil v. State of Maharashtra, Union of India v. N. Subramanian, Kalaiselvi v. The Official Assignee, Government of Tamil Nadu v. R. Azhaharasan, State of Tamil Nadu v. S. Nagaraj, Government of Tamil Nadu v. S. Thangamani, State of Tamilnadu v. Secretary, Komarappa Sengunthar Higher Secondary School, Chennai Metropolitan Water Supply and Sewerage Board v. A. Paranjothi, Bank of India v. Thomas Chacko

III. Cases Discussed

25 CASES · SUMMARY TABLE

#	CASE TITLE	COURT	YEAR	KEY HOLDING
01	<i>The State of Telangana & Ors. v. Mohd. Abdul Qasim (Died) Per LRs.</i> ESCR010002442024	SUPREME COURT OF INDIA	2024	Review cannot be an appeal in disguise or a rehearing of concurrent findings.
02	<i>Kamlesh Verma v. Mayawati</i> ESCR010000942013	SUPREME COURT OF INDIA	2013	Review is impermissible without an error apparent on the face of the record.
03	<i>Mukesh v. State of NCT of Delhi</i> ESCR010007392018	SUPREME COURT OF INDIA	2018	Repetition of old and overruled arguments cannot justify reopening a criminal conviction.
04	<i>Lily Thomas v. Union of India</i> ESCR010002122000	SUPREME COURT OF INDIA	2000	Larger benches overrule smaller benches, and review is limited to correcting mistakes.
05	<i>Bank of India v. Thomas Chacko</i> KLHC010059862020	HIGH COURT OF KERALA	2020	High Court review jurisdiction is strictly limited to self-evident errors.
06	<i>M/S Brahmaputra Concrete Pipe Industries v. The Assam State Electricity Board</i> ESCR010001092024	SUPREME COURT OF INDIA	2024	Registry cannot administratively decline curative petitions by making judicial determinations.
07	<i>Ram Jethmalani & Ors. v. Union of India & Ors.</i> ESCR010001052011	SUPREME COURT OF INDIA	2011	Courts retain inherent power to recall orders to prevent miscarriage of justice.
08	<i>Sanjay Kumar Agarwal v. State Tax Officer</i> ESCR010007662023	SUPREME COURT OF INDIA	2023	Change in law or subsequent coordinate/larger bench decisions do not warrant review.
09	<i>Haryana State Industrial Development Corporation Ltd. v. Mawasi</i> ESCR010004082012	SUPREME COURT OF INDIA	2012	Review does not permit a roving inquiry or a de novo hearing.
10	<i>Government of Tamil Nadu v. S. Thangamani</i> HCMA011625982017	MADRAS HIGH COURT	2017	Review is confined to patent errors and cannot correct erroneous merits decisions.
11	<i>Premchand Nathu Patil v. State of Maharashtra</i> HCBM030249922019	BOMBAY HIGH COURT	2024	Errors requiring a process of reasoning fall outside the scope of review.
12	<i>Kalaiselvi v. The Official Assignee</i> HCMA010566422017	MADRAS HIGH COURT	2017	Plenary review powers cannot be used to substitute a plausible view.

#	CASE TITLE	COURT	YEAR	KEY HOLDING
13	<i>State of Tamilnadu v. Secretary, Komarappa Sengunthar Higher Secondary School</i> HCMA011627002017	MADRAS HIGH COURT	2017	Review cannot reopen final judgments unless compelling circumstances of judicial fallibility exist.
14	<i>Shri Ram Sahu v. Vinod Kumar Rawat</i> ESCR010000502020	SUPREME COURT OF INDIA	2020	Reviewing courts cannot re-appreciate evidence or sit in appeal over their orders.
15	<i>Government of Tamil Nadu v. R. Azhaharasan</i> HCMA010602912019	MADRAS HIGH COURT	2019	Review is intended to correct mistakes, not to rehear concluded issues.
16	<i>Anand Pralhadbhai Lokapur v. Veenaben D/o Balkrushna Natu</i> GJHC240003202017	HIGH COURT OF GUJARAT	2017	A review petition cannot be used to re-argue merits or factual findings.
17	<i>State of Tamil Nadu v. S. Nagaraj</i> HCMA010746622015	MADRAS HIGH COURT	2015	Judicial review or review of orders cannot convert into a merits appeal.
18	<i>Bhunesh Gandharwa v. State of Chhattisgarh</i> CGHC010084462024	HIGH COURT OF CHHATTISGARH	2024	High Courts cannot exercise review to sit in appeal over their own judgments.
19	<i>Madhya Pradesh Housing and Infrastructure Development Board v. B. S. S. Parihar</i> ESCR010005812015	SUPREME COURT OF INDIA	2015	Only the ratio decidendi binds, and court observations are not statutory codes.
20	<i>Chennai Metropolitan Water Supply and Sewerage Board v. A. Paranjothi</i> HCMA011916362017	MADRAS HIGH COURT	2019	Review petitions are not permitted to re-agitate matters already decided.
21	<i>Shri Vaidik Shivdutt Joshi v. Smt. Shakuntala Devi</i> RJHC020200672022	HIGH COURT OF RAJASTHAN	2022	Re-arguing a case on merits in the garb of review is impermissible.
22	<i>Amil Kumar Kalita v. State of Assam</i> GAHC010182672021	GAUHATI HIGH COURT	2023	Under Article 141, only the underlying ratio decidendi constitutes a binding precedent.
23	<i>Union of India v. N. Subramanian</i> HCMA010008742019	MADRAS HIGH COURT	2019	Review is strictly limited to self-evident errors, excluding merits-based re-appreciation.
24	<i>Surendra Koli v. The State of Uttar Pradesh & Anr.</i> ESCR010006602025	SUPREME COURT OF INDIA	2025	Curative petitions prevent grave miscarriage when conflicting outcomes arise from identical evidence.
25	<i>Tribhuvandas Purshottamdas Thakur v. Ratilal Motilal Patel</i> ESCR010000431968	SUPREME COURT OF INDIA	1967	Coordinate benches must follow precedents or recommend reference to a larger bench.

IV. Case Details 25 CASE FILES

01 The State of Telangana & Ors. v. Mohd. Abdul Qasim (Died) Per LRs.

SUPREME COURT OF INDIA • 2024-04-18 • 2024 INSC 310

This case concerned a dispute over land declared as reserved forest under the Andhra Pradesh Forest Act, 1967. The respondent-plaintiff sought a declaration of title and injunction, despite the land having attained the status of reserved forest and the plaintiff failing to prove ownership. The High Court, in a review petition, improperly overturned earlier concurrent findings against the plaintiff based on evidence that was inadmissible and beyond the scope of review proceedings. The Supreme Court set aside the High Court's order, emphasizing that state officials have a constitutional duty to protect forest land and criticized the filing of collusive affidavits. It restored the appellate court's judgment and imposed costs of Rs. 5,00,000 on the respondent.

HELD The Supreme Court held that review jurisdiction under Article 137 is highly circumscribed and cannot be equated with an appeal or a rehearing of the original matter. Departure from the finality of a judgment is only permitted under substantial and compelling circumstances, such as when the court's attention was not drawn to a material statutory provision. A review is completely impermissible where an error is not self-evident and requires a process of reasoning to detect, or where the court has merely adopted one of multiple possible views.

"It is well-settled that a party is not entitled to seek a review of a judgment delivered by this Court merely for the purpose of a rehearing and a fresh decision of the case. The normal 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: *Sajjan Singh v. State of Rajasthan* [AIR 1965 SC 845 : (1965) 1 SCR 933, 948 : (1965) 1 SCJ 377] Such an error exists if of two or more views canvassed on the point it is possible to hold that the controversy can be said to admit of only one of them. If the view adopted by the Court in the original judgment is a possible view having regard to what the record states, it is difficult to hold that there is an error apparent on the face of the record."

SUPREME COURT OF INDIA • 2024

SOURCE ESCR010002442024

02 Kamlesh Verma v. Mayawati

SUPREME COURT OF INDIA • 2013-08-08 • 2013 INSC 526

This case involved a review petition filed against a Supreme Court judgment that had quashed a criminal FIR against Mayawati. The FIR had been registered by the CBI concerning alleged disproportionate assets, following broader court orders related to the Taj Heritage Corridor Project. The Court had previously ruled that its earlier directions only authorized investigation into the corridor project and did not permit the separate disproportionate assets case. In this review petition, the petitioner sought to re-argue that the CBI had acted within its authority. The Supreme Court dismissed the review petition, reaffirming that review jurisdiction is narrow and cannot be used as a disguised appeal. It held that the issues had already been fully considered and decided, providing no ground for re-opening the case.

HELD The Supreme Court affirmed that a review petition does not permit the reappraisal of evidence to arrive at a different conclusion. It cannot be used as an appeal in disguise to correct errors that are not apparent on the face of the record, nor can it be invoked to repeat old and overruled arguments. The power of review must be exercised with extreme caution and circumspection, reserved strictly for exceptional cases rather than treating it as a rehearing of the original dispute.

“In a review petition, it is not open to the Court to re appreciate the evidence and reach a different conclusion, even if that is possible. Conclusion arrived at on appreciation of evidence cannot be assailed in a review petition unless it is shown that there is an error apparent on the face of the record or for some reason akin thereto. ... To permit the review petitioner to argue on a question of appreciation of evidence would amount to converting a review petition into an appeal in disguise.”

SUPREME COURT OF INDIA • 2013

SOURCE ESCR010000942013

03 Mukesh v. State of NCT of Delhi

SUPREME COURT OF INDIA • 2018-07-09 • 2018 INSC 590

This review petition was filed by one of the four convicts sentenced to death for the 2012 Delhi gang rape and murder, widely known as the Nirbhaya case. The petitioner sought a review of the Supreme Court's 2017 judgment that had upheld his conviction and death penalty, raising various arguments regarding his arrest, the evidence against him, and the reliability of the victim's dying declarations. The Supreme Court dismissed the petition, ruling that the submissions were largely repetitions of arguments already considered and rejected during the appeal process. The Court emphasized that a review petition in criminal proceedings is strictly limited to identifying an error apparent on the face of the record and cannot be used to re-argue the case on its merits.

HELD The Court clarified that while the Supreme Court's review power under Article 137 is conceptually wider than statutory review, it must still be exercised reluctantly and only when a glaring omission or patent mistake has crept in through judicial fallibility. In criminal proceedings, the ground of review is strictly limited to an "error apparent on the face of the record" to ensure the finality of judicial determinations, as repetitive arguments do not warrant reopening a concluded case.

“A review of a judgment is a serious step and reluctant resort to it is proper only where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility. A mere repetition, through different counsel, of old and overruled arguments, a second trip over ineffectually covered ground or minor mistakes of inconsequential import are obviously insufficient.”

SUPREME COURT OF INDIA • 2018

SOURCE ESCR010007392018

04 Lily Thomas v. Union of India

SUPREME COURT OF INDIA • 2000-05-05 • 2000 INSC 293

This case involved a review petition seeking to set aside or modify the Supreme Court's decision in *Sarla Mudgal v. Union of India*, which held that a second marriage by a Hindu husband after converting to Islam without dissolving his first marriage is void under Section 494 of the Indian Penal Code. The petitioners argued that the previous ruling violated fundamental rights under Articles 20, 21, and 25 of the Constitution and amounted to judicial legislation. The Court dismissed the petition, ruling that the previous judgment did not create new law but merely interpreted existing statutes. It affirmed that the interpretation of law relates back to the date the law was enacted, rejecting the argument that the decision should only apply prospectively.

HELD The Supreme Court ruled that a review cannot be treated as an appeal in disguise, and the mere possibility of two views on a subject does not constitute a valid ground for review under Article 137. It also clarified that the English law principle regarding the irrelevance of Bench size does not apply in India, where a strict hierarchy exists within the Court, and larger Benches overrule smaller Benches as a crystallized rule of law. A second review petition is strictly barred once the first review petition has been dismissed.

“The review cannot be treated an appeal in disguise. The mere possibility of two views on the subject is not a ground for review. Once a review petition is dismissed no further petition of review can be entertained. The mle of law of following the practice of the binding nature of the larger Benches and not taking different views by the Benches of coordinated jurisdiction of equal strength has to be followed and practised.”

SUPREME COURT OF INDIA • 2000

SOURCE ESCR010002122000

05 Bank of India v. Thomas Chacko

HIGH COURT OF KERALA • 2020-03-12 • RP/106/2020

This review petition was filed by the Bank of India challenging a previous judgment of the Kerala High Court. The bank argued that the court had made errors regarding the interest rate payable on sale proceeds held by the bank and the scope of a one-time settlement. The bank claimed that these errors stemmed from misapprehensions about the bank's own submissions and offers made before the court. The High Court dismissed the petition, reiterating that the power of review is limited and cannot be used as an appeal in disguise. Relying on settled legal principles, the court held that a review is only appropriate to correct errors apparent on the face of the record and not to re-argue the merits of the case.

HELD The High Court held that the power of review is not an inherent power of all courts, but must be specifically conferred by law or necessary implication. It emphasized that while High Courts have plenary jurisdiction under Article 226 to review decisions to prevent a miscarriage of justice or correct grave errors, such power has definitive limits. Review cannot be exercised on the ground that a decision is erroneous on its merits, which remains exclusively within the province of an appellate court.

“there is nothing in Article 226 of the Constitution to preclude a High Court from exercising the power of review which inheres in every court of plenary jurisdiction to prevent miscarriage of justice or to correct grave and palpable errors committed by it. But, there are definitive limits to the exercise of the power of review. ... But, it may not be exercised on the ground that the decision was erroneous on merits. That would be the province of a court of appeal.”

HIGH COURT OF KERALA • 2020

SOURCE KLHC010059862020

06 M/S Brahmaputra Concrete Pipe Industries v. The Assam State Electricity Board

SUPREME COURT OF INDIA • 2024-02-26 • 2024 INSC 145

The case concerns the authority of the Supreme Court Registry to reject curative petitions when the preceding review petition was dismissed in open court rather than by circulation. The Court held that the Registry exceeds its administrative power by dismissing such petitions based on the lack of a specific averment regarding circulation, as this involves a judicial determination. It clarified that when a review petition is heard in open court, a curative petition should seek to be excused from the procedural requirements of the Supreme Court Rules. In such instances, the Registry must obtain instructions from a Judge in chambers rather than summarily rejecting the filing. The Court set aside the Registrar's order but declined to remand the matter, noting that no grounds for curative jurisdiction were established.

HELD The Supreme Court held that curative jurisdiction is a special, inherent power derived from Articles 129 and 142 of the Constitution, which is distinct from review power. Consequently, statutory limitations prescribed for review petitions cannot be extended to curative petitions, which must be filed within a reasonable time as determined by judicial discretion. The Court also laid down that the Registry cannot administrative-wise decline registration of a curative petition based on substantive or procedural interpretations, which are strictly judicial in nature.

“Our opinion on this point is that the curative jurisdiction being a special jurisdiction derived from inherent power or jurisdiction of this Court, the limitation prescribed for filing of review petition cannot be extended to apply in the cases of curative petition. We hold so because curative jurisdiction of this Court does not flow from its power to review, but this jurisdiction is derived from Articles 129 and 142 of the Constitution of India.”

SUPREME COURT OF INDIA • 2024

SOURCE ESCR010001092024

07 Ram Jethmalani & Ors. v. Union of India & Ors.

SUPREME COURT OF INDIA • 2011-09-23 • 2011 INSC 707

The case concerns the Government of India's inaction regarding the recovery of large sums of unaccounted money deposited by Indian citizens in foreign tax havens. In an earlier order, the Supreme Court had converted a High Level Committee previously established by the Union of India into a Special Investigation Team (SIT) to investigate these matters, overseen by two retired Supreme Court judges. The Union of India subsequently filed an interlocutory application seeking to modify this directive. The Court addressed the maintainability of this

application, noting a conflict between the parties regarding whether the government was attempting a de facto review or rehearing of the original order through a modification request.

HELD The Supreme Court clarified that the power to review or recall its own order is part of its inherent power to do justice and prevent the abuse of its process. This power is explicitly supported by Article 137 and regulated by rules framed under Article 145(c). The court noted that a decree or order passed under a misapprehension of the true state of circumstances represents a sufficient ground to invoke this corrective jurisdiction, ensuring that the finality of decisions does not stand in the way of rectifying accidental mistakes.

“Apart from Order XL Rule 1 of the Supreme Court Rules this Court has the inherent power to make such orders as may be necessary in the interest of justice or to prevent the abuse of process of Court. The Court is thus not precluded from recalling or reviewing its own order if it is satisfied that it is necessary to do so for sake of justice.”

SUPREME COURT OF INDIA • 2011

SOURCE ESCR010001052011

08 Sanjay Kumar Agarwal v. State Tax Officer

SUPREME COURT OF INDIA • 2023-10-31 • 2023 INSC 963

This case concerns a batch of review petitions filed against a Supreme Court judgment that had previously ruled that State Tax Officers qualify as secured creditors under the Insolvency and Bankruptcy Code (IBC). The petitioners argued that the court failed to correctly consider the waterfall mechanism under Section 53 of the IBC and ignored other relevant provisions. The Supreme Court rejected these arguments, clarifying that a review petition cannot be used as an appeal in disguise to re-argue points already decided. The court held that the original judgment had duly considered the relevant legal provisions, and there was no error apparent on the face of the record that would justify a review.

HELD The Supreme Court restated that a review petition has a highly restricted scope under Order XLVII Rule 1 of the CPC and cannot be used to re-agitate questions already decided. Crucially, the Court held that a subsequent change in law or a later decision by a coordinate or larger Bench cannot be regarded as a valid ground for reviewing a concluded judgment. The error complained of must be patent and self-evident, requiring no long-drawn process of reasoning.

“even the change in law or subsequent decision/ judgment of co- ordinate Bench or larger Bench by itself cannot be regarded as a ground for review. ... An error on the face of record must be such an error which, mere looking at the record should strike and it should not require any long-drawn process of reasoning on the points where there may conceivably be two opinions.”

SUPREME COURT OF INDIA • 2023

SOURCE ESCR010007662023

09 Haryana State Industrial Development Corporation Ltd. v. Mawasi

SUPREME COURT OF INDIA • 2012-07-02 • 2012 INSC 257

This case involved a review petition challenging a previous Supreme Court judgment that awarded land compensation based on a specific sale deed. The petitioner alleged the sale deed was fraudulent, claiming the vendor and vendee were under common management and the land was overvalued for oblique motives. The Court dismissed the petition, noting that the petitioner failed to produce evidence substantiating these claims during initial proceedings. The Court held that the power of review is strictly limited and cannot be used to conduct a de novo hearing or a roving inquiry into factual validity, especially when the petitioner failed to exercise due diligence earlier.

HELD The Supreme Court held that the parameters of review under Order 47 CPC do not permit a party to seek a rehearing simply because they failed to highlight certain aspects of the case or could have argued more forcefully during the original hearing. A mistake or error apparent on the face of the record must be per se evident from the case record and must not require detailed factual or legal scrutiny.

“Neither of them postulate a rehearing of the dispute because a party had not highlighted all the aspects of the case or could perhaps have argued them more forcefully and/or cited binding precedents to the court and thereby enjoyed a favourable verdict.”

SUPREME COURT OF INDIA • 2012

SOURCE ESCR010004082012

10 Government of Tamil Nadu v. S. Thangamani

MADRAS HIGH COURT • 2017-11-28 • WA/1596/2017

The case concerned the refusal by education authorities to approve the appointment of a record clerk in a private aided minority school. The state government contended that such appointments required prior permission and were subject to restrictions on filling non-teaching posts, as outlined in a 2007 government order. The school management argued that for non-teaching staff, there is no statutory requirement to obtain prior permission from the government to fill sanctioned vacancies. The Madras High Court ruled in favor of the petitioner, holding that the relevant provisions of the Tamil Nadu Recognised Private Schools (Regulation) Act do not mandate prior government permission for appointing non-teaching staff in aided schools. The court directed the authorities to approve the appointment and release the corresponding grants.

HELD Quoting Supreme Court precedents, the High Court emphasized that a review proceeding is not an appeal in disguise and cannot be used to correct an erroneous decision on its merits. The court noted that a review is only justified under substantial and compelling circumstances, such as when a glaring omission or patent mistake has crept in earlier due to judicial fallibility, or when the court's attention was not drawn to a material statutory provision.

“But whatever the nature of the proceeding, it is beyond dispute that a review proceeding cannot be equated with the original hearing of the case, and the finality of the judgment delivered by the Court will not be reconsidered except where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility.”

MADRAS HIGH COURT • 2017

SOURCE HCMA011625982017

11 Premchand Nathu Patil v. State of Maharashtra

BOMBAY HIGH COURT • 2024-02-28 • RA/76/2021

The applicant sought a review of a previous High Court order that had declined to set aside an adverse pay fixation decision while granting relief against the recovery of excess payments. The applicant argued that the previous decision contained an error apparent on the face of the record, citing similar cases where relief had been granted. The Court dismissed the review application, reiterating that a review proceeding is not an appeal in disguise. It held that an error must be self-evident to qualify for review, and where a point requires elaborate reasoning to be identified, it falls outside the limited scope of review jurisdiction under the Code of Civil Procedure.

HELD The High Court held that a review petition cannot be maintained on grounds that have already been urged during the appeal. An error apparent on the face of the record must be self-evident and not one that has to be detected by a complex process of reasoning. If two views are reasonably possible on a subject, the adoption of one view cannot constitute a patent error justifying review.

"An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under Order 47 Rule 1 CPC. ... A review petition, it must be remembered has a limited purpose and cannot be allowed to be 'an appeal in disguise'."

BOMBAY HIGH COURT • 2024

SOURCE HCBM030249922019

12 Kalaiselvi v. The Official Assignee

MADRAS HIGH COURT • 2017-12-13 • REV.APPL/39/2017

This matter concerned a review application against a judgment dismissing an appeal regarding an auction sale of property. The applicant sought to pay the residual purchase money after the prescribed thirty-day period, arguing that the time limit should commence from the date of formal intimation of the sale confirmation rather than the date of the order itself. The court held that the terms and conditions of the auction clearly stipulated that no separate intimation of sale confirmation would be provided, placing the burden on the purchaser to monitor the proceedings. Consequently, the court reaffirmed that failure to pay the balance within the mandatory period rendered the sale a nullity, and thus dismissed the review application.

HELD The High Court, relying on *Northern India Caterers*, restated that review is a highly restricted statutory remedy under Order 47 Rule 1 of the CPC. The court highlighted that review cannot be used to rehear an entire case or to substitute the court's view with another plausible view. It confirmed that a plenary court has inherent power to correct its own errors, but only within strict limits to avoid undermining the finality of judicial decisions.

“It is well settled that a party is not entitled to seek a review of a judgment delivered by this Court merely for the purpose of a rehearing and a fresh decision of the case. The normal 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.”

MADRAS HIGH COURT • 2017

SOURCE HCMA010566422017

13 State of Tamilnadu v. Secretary, Komarappa Sengunthar Higher Secondary School

MADRAS HIGH COURT • 2017-11-28 • WA/1598/2017

The respondent, a minority private aided school, filled three vacant non-teaching staff positions (Junior Assistant, Sweeper, and Office Assistant) following the retirement of previous employees. The District Educational Officer refused to approve these appointments, citing a government order that mandates filling certain non-teaching roles exclusively through outsourcing. The school challenged this, arguing that the relevant government order had been previously quashed by the High Court and that minority schools do not require prior government permission to fill sanctioned posts. The High Court upheld the school's position, ruling that the appointments against sanctioned posts were valid and directing the authorities to approve the staff and release grants accordingly.

HELD The High Court observed that review proceedings are strictly barred from acting as disguised appeals. Citing established Supreme Court precedents, the court affirmed that finality is the rule and review is an exception that is only justified if there is a glaring omission, patent mistake, or judicial fallibility that resulted in a miscarriage of justice.

“But whatever the nature of the proceeding, it is beyond dispute that a review proceeding cannot be equated with the original hearing of the case, and the finality of the judgment delivered by the Court will not be reconsidered except where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility.”

MADRAS HIGH COURT • 2017

SOURCE HCMA011627002017

14 Shri Ram Sahu v. Vinod Kumar Rawat

SUPREME COURT OF INDIA • 2020-11-03 • 2020 INSC 627

This case concerns the limits of a court's power to review its own judgments under the Code of Civil Procedure. After the High Court had delivered a judgment regarding a property dispute—which included observations about the plaintiff's actual possession based on evidence presented—the defendants filed a review petition years later. The High Court subsequently allowed the petition and deleted those observations. On appeal, the Supreme Court ruled that the High Court had overstepped its jurisdiction. It held that the review power is restricted and cannot be used to re-examine evidence or correct findings unless there is an error apparent on the face of the record. Because the High Court's original findings were based on a proper appreciation of evidence, the review was legally improper.

HELD The Supreme Court ruled that review is a statutory creation and not an inherent power of civil courts, unless specifically conferred by law. The Court held that the reviewing court cannot sit in appeal over its own order or conduct a rehearing of the matter. It emphasized that a review must be strictly limited to patent errors that are manifest on the face of the record, rather than a mere wrong decision on the merits.

“It is beyond any doubt or dispute that the review court does not sit in appeal over its own order. A rehearing of the matter is impermissible in law. It constitutes an exception to the general rule that once a judgment is signed or pronounced, it should not be altered.”

SUPREME COURT OF INDIA • 2020

SOURCE ESCR010000502020

15 Government of Tamil Nadu v. R. Azhaharasan

MADRAS HIGH COURT • 2019-06-14 • REV.APPL/115/2019

This review application was filed by the Tamil Nadu government challenging a previous court order that directed the regularisation of a daily-wage driver's service from the date of his initial appointment. The petitioners argued that regularisation should only commence upon the completion of ten years of service, citing financial implications and potential for further litigation. The court dismissed the review application, reiterating that the power of review is not an appeal in disguise and can only be exercised when there is a mistake apparent on the face of the record. Finding no such error, the court maintained its previous decision.

HELD The High Court emphasized that review under Article 137, read with the Code of Civil Procedure, has a highly narrow and limited application. It reiterated that review is meant for the correction of a mistake or an error of inadvertence rather than substituting a different judicial view. A review petition cannot be used to reopen concluded adjudications or re-argue the case.

“But whatever the nature of the proceeding, it is beyond dispute that a review proceeding cannot be equated with the original hearing of the case, and the finality of the judgment delivered by the Court will not be reconsidered except where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility.”

MADRAS HIGH COURT • 2019

SOURCE HCMA010602912019

16 Anand Pralhadbhai Lokapur v. Veenaben D/o Balkrushna Natu

HIGH COURT OF GUJARAT • 2017-12-27 • CRA/446/2017

This case concerns a review application filed against a prior High Court order that refused to dismiss a civil suit for partition and permanent injunction. The applicant argued that the respondent's previous withdrawal of a similar case (a lavad suit) was unconditional, thereby barring the current suit under Order 23 Rule 1 of the Code of Civil Procedure. The respondent contended that the previous suit was withdrawn specifically to refile the case before a competent forum due to jurisdictional issues, and that no error existed in the previous court's ruling. The High Court dismissed the review application, finding no error apparent on the face of the record. The court

held that its previous decision was reasoned and correctly addressed the arguments, and that the applicant had failed to justify the exercise of limited review jurisdiction.

HELD The High Court, citing *Northern India Caterers* and *Mukesh*, held that an application for review cannot be allowed to re-hear the entire matter all over again. In criminal or civil proceedings, a review court is not permitted to re-appreciate the evidence and reach a different conclusion. An error apparent on the face of the record exists only if, of the views canvassed, the controversy admits of only one possible view.

“If the view adopted by the Court in the original judgment is a possible view having regard to what the record states, it is difficult to hold that there is an error apparent on the face of the record.”

HIGH COURT OF GUJARAT • 2017

SOURCE GJHC240003202017

17 State of Tamil Nadu v. S. Nagaraj

MADRAS HIGH COURT • 2015-10-07 • REV.APPL/217/2015

This case concerns the repatriation of a government employee, S. Nagaraj, who was appointed to the Governor's Secretariat by transfer from the Animal Husbandry Department. After several years of service in the Secretariat, he was ordered to be reverted to his parent department. The respondent challenged this, arguing that his appointment was a permanent transfer rather than a temporary deputation and that he no longer held a lien in his previous department. The High Court reviewed the legal framework regarding service rules and tenure, ultimately examining the nature of his appointment and whether the reversionary proceedings were legally sustainable. The court evaluated previous rulings on the definition of a 'lien' and the rights of public servants transferred between different departments.

HELD The High Court held that High Courts have inherent plenary review powers under Article 226 to prevent a miscarriage of justice or to correct grave and palpable errors. However, this power does not allow the court to act as an appellate court or correct an erroneous decision on its merits. The court reiterated that review must be confined to the narrow grounds of discovering new evidence with due diligence, or identifying self-evident errors.

“A power of review is not to be confused with appellate powers which may enable an appellate court to correct all manner of errors committed by the subordinate court.”

MADRAS HIGH COURT • 2015

SOURCE HCMA010746622015

18 Bhunesh Gandharwa v. State of Chhattisgarh

HIGH COURT OF CHHATTISGARH • 2024-04-10 • REV/63/2024

This case involved a review petition seeking to recall an appellate order that had set aside a single judge's decision to reinstate an employee terminated for alleged financial misconduct. The original termination order was invalidated due to a lack of proper departmental inquiry and violation of natural justice principles. However, the appellate court had previously ruled that reinstatement with full benefits was inappropriate when the matter

is remanded for a fresh inquiry. The High Court dismissed the review petition, reaffirming that its review jurisdiction is limited to correcting errors apparent on the face of the record. Citing established Supreme Court precedents, the Court held that it cannot sit in appeal over its own judgment and that reinstatement is not justified when remanding a case for a fresh departmental inquiry.

HELD The High Court held that the power of review is not a routine appellate power. In civil proceedings, review is governed strictly by the provisions of Order XLVII Rule 1 of the CPC, and can only be exercised to correct errors apparent on the face of the record. It reaffirmed that once a review petition has been disposed of, no further review applications can be entertained in the same matter.

“A perusal of the above provision makes it amply clear that in a civil proceeding review could not be entertained except on the grounds mentioned in Order XLVII Rule 1 of C.P.C.”

HIGH COURT OF CHHATTISGARH • 2024

SOURCE CGHC010084462024

19 Madhya Pradesh Housing and Infrastructure Development Board v. B. S. S. Parihar

SUPREME COURT OF INDIA • 2015-07-21 • 2015 INSC 505

This case concerns the validity of a final demand notice issued by the Madhya Pradesh Housing and Infrastructure Development Board to allottees of a housing scheme. The Board had initially fixed a provisional price for plots but later increased it significantly, linking the cost to collector guidelines. The High Court had quashed this demand, but the Supreme Court clarified that the Board was contractually and legally empowered to revise prices since the advertisement explicitly stated the initial costs were provisional. However, the Court held that the sudden, sharp increase to the current market rate was arbitrary and violated the doctrine of proportionality. It ordered that the price be recalculated using the initial base rate with a 10% annual escalation from 2007 to 2011.

HELD The Supreme Court held that under the doctrine of precedents, a decision is an authority only for what it actually decides, and its binding element is restricted to its *ratio decidendi*. General observations or logical deductions from a judgment do not constitute binding precedents. The Court emphasized that judgments must be read in the specific context of their facts, and should never be construed or interpreted as if they were statutes.

“What is of the essence in a decision is its ratio and not every observation found therein nor what logically flows from the various observations made in the judgment. The enunciation of the reason or principle on which a question before a court has been decided is alone binding as a precedent.”

SUPREME COURT OF INDIA • 2015

SOURCE ESCR010005812015

20 Chennai Metropolitan Water Supply and Sewerage Board v. A. Paranjothi

MADRAS HIGH COURT • 2019-04-29 • REV.APPL/135/2017

The petitioner, Chennai Metropolitan Water Supply and Sewerage Board, sought to review a previous court judgment that directed the promotion of the respondents, A. Paranjothi and Y. Amarnath. The Board argued that government amendments regarding a 'check period' for promotions should apply to its employees, thereby disqualifying the respondents due to prior punishments. However, the Court noted that the Board operates under its own separate service regulations and had not adopted the specific amendments made to the Tamil Nadu State and Subordinate Service Rules. Consequently, the Court found no merit in the review applications, as the statutory basis for the 'check period' cited by the Board was not incorporated into the relevant Board regulations.

HELD The High Court held that the finality of a court's judgment is a cornerstone of the legal system, which can only be departed from under substantial and compelling circumstances. It emphasized that a party cannot seek a review under Article 137 or the Code of Civil Procedure merely to obtain a de facto rehearing or a fresh decision of the case, as the review court is strictly barred from re-evaluating the merits of the dispute.

"The normal 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."

MADRAS HIGH COURT • 2019

SOURCE HCMA011916362017

21 Shri Vaidik Shivdutt Joshi v. Smt. Shakuntala Devi

HIGH COURT OF RAJASTHAN • 2022-03-23 • CRW/8/2022

The petitioners sought a review of a previous court judgment that dismissed their revision petition concerning an execution proceeding for the specific performance of a property agreement. The petitioners argued that the decree holders failed to deposit the balance sale consideration within the timeframe set by the trial court, rendering the decree unexecutable. They further contended that the trial court erroneously granted an extension of time for the deposit years after the deadline had passed. The High Court dismissed the review petitions, emphasizing that a review is not an appeal in disguise. It held that the petitioners failed to identify any error apparent on the face of the record and that the court's prior decision did not warrant reconsideration.

HELD The High Court held that the parameters of review under Order XLVII CPC do not allow a party to re-argue a case on its merits or seek a rehearing because they failed to highlight certain aspects or cite binding precedents earlier. An error apparent on the face of the record must be patent, self-evident, and not require any elaborate process of reasoning to detect.

"An error which is not self evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the Court to exercise its power of review under Order XLVII, Rule 1, Code of Civil Procedure. ... A review petition, it must be remembered has a limited purpose and cannot be allowed to be an appeal in disguise."

HIGH COURT OF RAJASTHAN • 2022

SOURCE RJHC020200672022

22 Amil Kumar Kalita v. State of Assam

GAUHATI HIGH COURT • 2023-08-25 • WP(C)/5940/2021

This petition challenged the validity of the 51st Annual General Meeting of the Guwahati Co-operative Urban Bank held on September 18, 2020, and the subsequent election of its Board of Directors. The petitioner contended that the meeting lacked the necessary quorum of shareholders as required by the Assam Co-operative Societies Act, 2007, and was held in violation of COVID-19 pandemic restrictions. The respondents argued that the meeting was a properly adjourned session for which quorum requirements were waived under the Act and relevant bylaws. The High Court determined that the matter involved a pure question of law regarding the interpretation of statutory quorum requirements and proceeded to address the merits despite the existence of alternative statutory remedies.

HELD The High Court held that under Article 141 of the Constitution, only the *ratio decidendi* (the underlying legal principle) of a Supreme Court decision is binding as law declared, while findings of fact or the ultimate relief granted are not binding precedents. A decision that lacks explicit reasoning or does not proceed on a consideration of the specific issue cannot be deemed "law declared" under Article 141.

"Article 141 of the Constitution states that the law declared by the Supreme Court shall be binding on all the courts within the territory of India. All courts in India, therefore, are bound to follow the decisions of Supreme Court. ... If a decision is on the basis of reasons stated in the decision or judgment, only the ratio decidendi is binding. The ratio or the basis of reasons and principles underlying a decision is distinct from the ultimate relief granted or manner of disposal adopted in a given case."

GAUHATI HIGH COURT • 2023

SOURCE GAHC010182672021

23 Union of India v. N. Subramanian

MADRAS HIGH COURT • 2019-01-28 • TCA/94/2019

This review application was filed by the Union of India and Central Industrial Security Force (CISF) officials against a previous appellate order that directed the reinstatement of a former Head Constable. The respondent had been dismissed from service following disciplinary proceedings regarding unaccounted money found during a surprise check. The High Court had originally set aside the dismissal by comparing the case to a similarly situated colleague who was exonerated. In this review, the applicants argued that the facts were not properly appreciated. The court dismissed the application, reiterating that a review is not an appeal in disguise and is only permissible if there is an error apparent on the face of the record, which was not demonstrated here.

HELD Relying on Supreme Court precedents, the High Court held that the power of review is not an inherent power of a court but must be specifically conferred by law. The court emphasized that review is strictly limited to correcting mistakes or patent errors and cannot be used to conduct a de novo hearing or a merits-based re-evaluation of the evidence.

“The power of review may be exercised on the discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent on the face of the record is found; it may also be exercised on any analogous ground. But, it may not be exercised on the ground that the decision was erroneous on merits.”

MADRAS HIGH COURT • 2019

SOURCE HCMA010008742019

24 Surendra Koli v. The State of Uttar Pradesh & Anr.

SUPREME COURT OF INDIA • 2025-11-11 • 2025 INSC 1308

This case involved a curative petition filed by Surendra Koli following the Supreme Court's 2011 affirmation of his conviction and death sentence in the Nithari case. The petitioner challenged the conviction on the grounds that it was based on an identical evidentiary foundation—specifically a confession and forensic recoveries—as twelve other companion cases in which he was acquitted by the High Court and subsequently cleared by the Supreme Court in 2025. The Court held that allowing a conviction to stand when its underlying evidentiary basis has been rejected as unreliable in identical cases violates the rights to equality and fair procedure under Articles 14 and 21 of the Constitution. Finding a manifest miscarriage of justice, the Court exercised its curative jurisdiction, set aside the 2011 judgment, and acquitted the petitioner.

HELD The Supreme Court held that curative jurisdiction, which flows from Articles 129 and 142 of the Constitution, is a narrow and exceptional power designed to prevent the abuse of process and cure gross miscarriages of justice. The Court established that while finality is the rule and curative petitions are not a "second review," intervention *ex debito justitiae* is a constitutional duty when the integrity of the adjudicatory process is compromised. This occurs when final orders of the court speak with discordant voices on an identical record, leading to coexisting, contradictory outcomes on the same evidentiary foundation.

“The curative jurisdiction of this Court exists to prevent abuse of process and to cure a gross miscarriage of justice. In *Rupa Ashok Hurra v. Ashok Hurra*, the Constitution Bench of this Court recognised that this power flows from the inherent authority of this Court to do complete justice and to protect the integrity of its judgments. ... When final orders of this Court speak with discordant voices on an identical record, the integrity of adjudication is imperilled, and public confidence is shaken. In such a situation, intervention *ex debito justitiae* is not an act of discretion but a constitutional duty.”

SUPREME COURT OF INDIA • 2025

SOURCE ESCR010006602025

25 Tribhuvandas Purshottamdas Thakur v. Ratilal Motilal Patel

SUPREME COURT OF INDIA • 1967-09-05 • 1967 INSC 201

The trustees of a public trust sought to set aside a court sale of trust property sold in execution of a mortgage decree. The court held that the sale did not require prior sanction from the Charity Commissioner under the Bombay Public Trusts Act, as the Act's restrictions on voluntary sales do not apply to court-ordered execution

sales. Furthermore, the court ruled that the trustees failed to comply with Order 21, Rule 89 of the Code of Civil Procedure, which requires the deposit of specific amounts to set aside a sale. Simply persuading a creditor to abandon execution proceedings does not satisfy the statutory requirement of depositing the necessary funds in court to settle the debt and compensate the auction purchaser.

HELD The Supreme Court held that the Indian administration of justice relies on certainty and consistency, which can only be achieved if judges do not ignore decisions of coordinate or superior Benches. If a judge or coordinate Bench believes that an earlier decision of the same court requires reconsideration, judicial propriety and decorum command that they must not decide the issue themselves, but must request the Chief Justice to refer the matter to a larger Bench.

“Our system of administration of justice aims at certainty in the law and that can be achieved only if Judges do not ignore decisions by Courts of coordinate authority or of superior authority. ... considerations of judicial propriety and decorum require that if a learned single Judge hearing a matter is inclined to take the view that the earlier decisions of the High Court, whether of a Division Bench or of a single Judge, need to be re-considered, he should not embark upon that enquiry sitting as a single Judge, but should refer the matter to a Division Bench, or, in a proper case, place the relevant papers before the Chief Justice to enable him to constitute a larger Bench to examine the question.”

SUPREME COURT OF INDIA • 1967

SOURCE ESCR010000431968

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