

**CHAPTER-X****Application for Review of Judgment**

**1. Chapter-IV applicable.-** The provisions of Chapter-IV shall apply, so far as may be, to every application for review.

**1[2. Grounds of review.-** Every application for review of judgment shall set forth plainly and concisely the ground(s) on which a review is sought.]

**3. Documents to be attached with review application.-** Every application for review shall be accompanied by a certified copy of the judgment or order complained of, and of the decree, if necessary; and when the application proceeds on the ground of a discovery of <sup>2</sup>[new and important matter or evidence], copies of the documents, if any, relied upon, shall be annexed to the application, together with an affidavit setting forth the circumstances under which such discovery has been made.

**4. Presentation of review application to Stamp Reporter.-** Every application for review of judgment shall be presented to the Stamp Reporter, who will certify thereon whether the <sup>3</sup>[application is in accordance with these Rules, within time and properly stamped, or whether it is irregular, and shall return the application] with such certificate.

**5. Presentation of review application as motion.-** Within seven days of the return of the application by the Stamp Reporter, the applicant, either in person or by an Advocate, shall present the application by way of motion in open Court <sup>4</sup>[to the

<sup>1</sup> Rule 2 was substituted for the original rule 2 by Notification No. 181-G dt. 22-10-2012.

<sup>2</sup> The words "new and important matter or evidence" were substituted for the expression "fresh evidence, certified" by Notification *ibid*.

<sup>3</sup> The expression "application is in accordance with these Rules, within time and properly stamped, or whether it is irregular, and shall return the application" was substituted for the expression "petition is in due form, within time and properly stamped, or that it is irregular, and shall return the petition" by Notification *ibid*.

<sup>4</sup> The words "to the Bench" were substituted for the expression "(to the judge or judges)" by Notification *ibid*.

Bench] of whose judgment a review is sought, or if <sup>1</sup>[that Bench is not functioning, the application shall be submitted to the Secretary of the Chief Justice for necessary order by the Chief Justice].

**6. Presentation of unheard application to Chief Justice.**-If an application for review of a judgment cannot be heard in the manner provided in Order XLVII, <sup>2</sup>[rule] 5, Civil Procedure Code, such application shall be presented by the applicant or his Advocate with the certificate of the Stamp Reporter, as required by <sup>3</sup>[rule] 4 above, to the Chief Justice, who shall provide for the hearing of the application.

**7. When review granted no return of decree etc.**-No copy of a decree or judgment presented or filed with an application for review, which has been granted, shall be returned. No affidavit accompanying an application for review shall be returned, whether such application has been granted or not.

**4[8. Notice of review.**- If notice is issued to the other side, the applicant for review shall, before hearing, file a duplicate printed/typed copy of the application, together with two printed/typed copies of each of the following documents:-

- (a) the judgment or order complained of, and the decree, (if necessary);
- (b) when the application proceeds on the ground of discovery of new and important matter or evidence, the documents, if any, relied upon, together with an affidavit setting forth the circumstances under which such discovery has been made.]

**9. Advocate competent to file review.**-Except with the <sup>5</sup>[\*\*\*] leave of the Court no application for review shall be made by any Advocate other than the Advocate who appeared at the hearing of the case in which the Judgment or order, sought to be reviewed, was made.

<sup>1</sup> The expression "that Bench is not functioning, the application shall be submitted to the Secretary of the Chief Justice for necessary order by the Chief Justice" was substituted for the expression "such a Court is a division Court and if the Judges of such Court be not sitting together, to the senior of such Judges who may be then attached to the Court and present" by Notification No. 181-G dt. 22-10-2012.

<sup>2</sup> The word "rule" was substituted for the word "Rule" by Notification *ibid*.

<sup>3</sup> The word "rule" was substituted for the word "Rule" by Notification *ibid*.

<sup>4</sup> Rule 8 was substituted for the original rule 8 by Notification *ibid*.

<sup>5</sup> The word "special" was omitted by Notification *ibid*.