



## Review Petition

---

 [drishtias.com/printpdf/review-petition](https://drishtias.com/printpdf/review-petition)

## Why in News

---

The **Supreme Court** has agreed to **review its Sabarimala verdict**.

## Key Points

---

- **Constitutional Provision:** Under **Article 137** of the Constitution, the Supreme Court has the power to review any of its judgments or orders.
- **Scope of Review**
  - 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.
- **Filing Review Petition**
  - As per the Civil Procedure Code and the Supreme Court Rules, **any person aggrieved by a ruling can seek a review**. This implies that it is not necessary that only parties to a case can seek a review of the judgment.
  - A Review Petition has to be filed **within 30 days** of the date of judgment or order.
    - 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.

**Note:** It needs to be noted that **judgment is a final decision in a case** whereas **order is an interim ruling** that is subject to its final judgement.

- **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.
- The Supreme Court has laid down **three grounds** for seeking a review of a verdict it has delivered:
  - 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.

- **Procedure in the Court**

- Review petitions are ordinarily be entertained **without oral arguments** by lawyers. Thus, it is heard **“through circulation”** by the judges in their chambers.
- However, in exceptional cases, the court allows an oral hearing. In a 2014 case, the Supreme Court held that review petitions in all death penalty cases will be heard in open court by a Bench of three judges.
- Review petitions are also **heard by the same combination of judges who delivered the original order or judgment** that is sought to be reviewed.

- **Option after Review Petition Fails**

- In *Roopa Hurra v Ashok Hurra* case (2002), the Court evolved the concept of a **curative petition**, which can be heard after a review petition is dismissed. Anyhow, the Supreme Court’s verdict cannot result in a miscarriage of justice.
- A curative petition is also **entertained on very narrow grounds** like a review petition and is generally **not granted an oral hearing**.

Source: IE