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RP-409-2024

IN THE HIGH COURT OF MADHYA PRADESH  
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

&

HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE

ON THE 1<sup>st</sup> OF AUGUST, 2025

REVIEW PETITION No. 409 of 2024

*SMT. PRIYANKA*

*Versus*

*ANOOP SINGH TOMAR*

.....  
Appearance:

Shri Sanjeev Kumar Mishra - Advocate for the petitioner.

Shri Sunil Kumar Dubey - Advocate for the respondent.  
.....

ORDER

*Per. Justice Gurpal Singh Ahluwalia*

This review petition under Order 47 Rule 1 read with Section 114 of the CPC has been filed against the order dated 15.03.2024 passed by this Court in F.A. No.399/2023, thereby affirming the judgment and decree dated 05.02.2022 passed by the Trial Court. A solitary ground was raised by the counsel for the applicant that the respondent himself had pleaded in his petition under Section 13 of Hindu Marriage Act that the applicant is the resident of Gurgaon, however, the paper publication was got published in Gwalior. It is submitted that when the last address of the applicant was known to the respondent then instead of preferring notice for publication in daily newspaper having circulation in Gwalior, he should have got the notice published in daily newspaper having circulation in Gurgaon.



2. It is well establish principle of law that this Court under the garb of review cannot reopen its order on merits. Accordingly, counsel for the applicant was requested to point out as to whether this ground was raised in appeal and whether it has been dealt with by this Court or not?

3. It is fairly conceded by the counsel for the applicant that the aforesaid ground was elaborately dealt with by this Court. However, it was the contention of the appellant that the ground was erroneously rejected by this Court while deciding the appeal.

4. Without entering into the controversy as to whether the adjudication of the ground with regard to service of notice, this Court is of the considered opinion that in case the applicant is of a view that findings recorded by this Court are erroneous, then she has the remedy of assailing the said order before the higher Court, but under the garb of review this Court cannot reopen its order on merits. No other argument is advanced by the counsel for the applicant.

5. As no error apparent on the face of record could be pointed out by the counsel for the applicant, accordingly review petition fails and is dismissed.

(G. S. AHLUWALIA)  
JUDGE

(MILIND RAMESH PHADKE)  
JUDGE