

CHAPTER LI

REVIEW

871. Memorandum of Review – (1) An application for review shall be made by filing a memorandum of review, which shall, with any necessary modifications, be in the form prescribed for the memorandum of appeal (Form No. 90).

(2) Rule 42 as to plaints shall, so far as applicable and with any necessary modifications, apply to a memorandum of review.

872. Copy of decree or order need not accompany memorandum of review – The Memorandum need not be accompanied by a copy of the decree or order sought to be reviewed nor by a copy of the judgment, but such decree or order shall be filed before the date fixed for the hearing. If the application rests on an alleged error in a judgment or on other matter necessitating reference to the judgment, it shall be accompanied by a copy of such judgment, if the judgment has been recorded.

873. Contents of such memorandum – The memorandum of review shall set forth plainly and concisely the grounds on which the review is sought, and when the application proceeds on the ground of a discovery of new matter or evidence, there shall, if possible, be annexed thereto the documents, if any, relied upon, a list of witnesses, if any, whom it is proposed to examine, a short statement of the evidence expected to be given by them, and an affidavit setting forth the circumstances under which such discovery was made.

¹**[873-A. Certificate of Advocate for ground of review** – Every application for review shall, if filed by an Advocate, bear a Certificate under his hand to the following effect:-

CERTIFICATE

I....., Advocate for the above namedReview Petitioner herein, do hereby certify that, in my judgment, ground (or if there be several, each of the grounds) or review in the Petition presented by me on behalf of the saidis a good ground of review

Dated this..... Day of19.....

(Signature)

Advocate for.....]

1. Rule 873A was inserted by G.N. No. 9040, dated 16-11-1992, M.G.G. Pt. IV-B, p.905.

874. Filing of such memorandum and motion - Any person desiring a review of an any decree or order shall, within the time prescribed by law, present his memorandum of review, properly stamped, to the Prothonotary and Senior Master, who shall file the same, if it appears to satisfy the requirements of the Code of Civil Procedure and of these rules; and the party seeking the review shall, as soon as possible, move before the Judge who passed the decree or order for a rule calling on the other side to show cause why the application should not be granted and the suit or matter set down for rehearing.

²**[875. Procedure when Judge has ceased to be the Judge of that Court or sits at particular Bench** - An application for review of an Order, Decree or Judgment passed by a Single Judge of this Court shall be placed before that Judge:

Provided that, where such Judge has ceased to be the Judge of the High Court or has ceased to be sit at the particular Bench, such Application shall be placed before the regular Court of the Single Judge dealing with category of matters to which the proceedings relate:

Provided further that where the single Judge concerned is not available for the time being by reason of he being on leave or otherwise as aforesaid such application shall be placed before the Court of Single Judge to which the matter may be assigned by the Order of the Chief Justice.

(2) Where the Order has been passed or the Judgment has been delivered by a Division Bench, such application shall be placed before that Division Bench:

Provided further that where one Judge of the said Division Bench has cases to be the Judge of the High Court, or has ceased to sit at the particular Bench, such application shall be placed before another Division Bench of which the other Judge is a member:

Provided further that when both the Judges have ceased to be the Judges of the High Court, or have ceased to sit at the particular Bench, such application shall be placed before a Division Bench dealing with the category of matters of which proceedings relate.]

2. Rule 875 substituted by G.N. No. G/Amend/3316, dated 15-3-1997,1998 M.G.G. Part. IV-B, p.338.

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