

CHAPTER X

APPLICATIONS FOR REVIEW OF JUDGMENT

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

2. Every application for review of judgment shall set forth plainly and concisely the grounds on which a review is sought, and shall contain a certificate by an advocate of the Court similar, mutatis mutandis, to that prescribed in appeals from appellate decrees (See Chapter V, R.6)

3. When the application for review proceeds on the ground of a discovery of fresh evidence, certified 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.¹

4. Every application for review of the judgment shall be presented to the stamp reporter, who will certify thereon whether the petition is in due form, within time, and properly stamped, or that it is irregular, and shall return the petition with such certificate.

5. 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 to the Division Court of whose judgment a review is sought, or, if the Judge of such Division Court be not sitting together, to the senior of such Judges who may be then attached to the Court and present.

6. If an application for review of a judgment cannot be heard in the manner provided in Order XLVII, R. 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 R. 4, to the Chief Justice, who shall provide for the hearing of the application.

7. If notice is issued to the other side, the applicant for review shall, before hearing, file a duplicate typed copy of the application, together with two typed copies of each of the following documents:

- (i) The judgment or order complained of, and decree, if necessary.

Note 1: Rule 3 — This rule was substituted vide correction Slip No. 68, Notification No. HC.XI-4/65/68/11839/RC dated 6.5.1975 to come into force from the date of publication in the Assam Gazette and the original rule read as follows:

"Every application for review should be accompanied by a typed 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 fresh evidence, certified 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."

(ii) Any affidavit filed with the application.

(iii) Any affidavit in reply.

(iv) When the applicant proceeds on the ground of a discovery of fresh evidence, the documents, if any, relied upon together with an affidavit setting forth the circumstances under which such discovery has been made.
