

# Article 142: The Power of the Supreme Court to Review Its Own Judgment

**Author:** Sharma & Sharma Law Chambers LLP

**Published:** 22 Dec 2024

## Description:

Article 142 of the our Constitution grants the Supreme Court the authority to ensure "complete justice" in any matter before it. This provision provides the Court with extraordinary powers, enabling it to go beyond the constraints of procedural laws in order to achieve equitable outcomes. One of the most significant aspects of this article is the Supreme Court's inherent power to review its own judgments. This exceptional authority highlights the judiciary's commitment to correcting errors, upholding justice, and maintaining the highest standards of judicial integrity. This article delves into the scope, principles, and implications of the Supreme Court's power to review its judgments under Article 142, basically to ensure the proper justice.

**Understanding Article 142: The Constitutional Mandate:**

**Article 142(1)** states:

This article says that the Supreme Court has the authority to pass such a decision which will be required to solve the pending case before the court. This provision grants the Supreme Court many powers. The concept of "complete justice" is not explicitly defined, allowing the Court flexibility to address unique and complex circumstances.

Roman';mso-fareast-font-family:Calibri;  
line-height:150%;font-size:12.0000pt;">&nbsp;While the Constitution does not directly address the review of its judgments, this power is inferred from judicial precedents and procedural rules.

&nbsp;

**Review of Judgments: The Supreme Court's Authority**

The review of judgments is governed by Article 137 of the Constitution, which states:

Any of the rule made by the parliament or in the article 145 the Supreme Court was granted the authority by which they can review the judgment made by it.

This provision, when read alongside Article 142, allows the Supreme Court to revisit its decisions to prevent miscarriages of justice. The Supreme Court Rules, 2013, further outline the procedural aspects for filing and hearing review petitions.

&nbsp;

**Grounds for Reviewing a**

Judgment:

**<span style="mso-spacerun:'yes';font-family:'Times New Roman';mso-fareast-font-family:Calibri; line-height:150%;mso-ansi-font-weight:bold;font-size:12.0000pt;"><o:p></o:p></span></b></p><p class="MsoNormal" align="justify" style="margin-bottom:0.0000pt;text-align:justify;text-justify:inter-ideograph; line-height:150%;"><span style="mso-spacerun:'yes';font-family:'Times New Roman';mso-fareast-font-family:Calibri; line-height:150%;font-size:12.0000pt;">A judgment can only be reviewed under specific circumstances, as clarified in various rulings. These include:</span><span style="mso-spacerun:'yes';font-family:'Times New Roman';mso-fareast-font-family:Calibri; line-height:150%;font-size:12.0000pt;"><o:p></o:p></span></p><p class="MsoNormal" align="justify" style="margin-bottom:0.0000pt;text-align:justify;text-justify:inter-ideograph; line-height:150%;"><b><span style="mso-spacerun:'yes';font-family:'Times New Roman';mso-fareast-font-family:Calibri; line-height:150%;mso-ansi-font-weight:bold;font-size:12.0000pt;">Error Apparent on the Face of the Record:</span></b><b><span style="mso-spacerun:'yes';font-family:'Times New Roman';mso-fareast-font-family:Calibri; line-height:150%;mso-ansi-font-weight:bold;font-size:12.0000pt;"><o:p></o:p></span></b></p><p class="MsoNormal" align="justify" style="margin-bottom:0.0000pt;text-align:justify;text-justify:inter-ideograph; line-height:150%;"><span style="mso-spacerun:'yes';font-family:'Times New Roman';mso-fareast-font-family:Calibri; line-height:150%;font-size:12.0000pt;">A glaring error that is self-evident and does not require extensive argumentation for correction.</span><span style="mso-spacerun:'yes';font-family:'Times New Roman';mso-fareast-font-family:Calibri; line-height:150%;font-size:12.0000pt;"><o:p></o:p></span></p><p class="MsoNormal" align="justify" style="margin-bottom:0.0000pt;text-align:justify;text-justify:inter-ideograph; line-height:150%;"><span style="mso-spacerun:'yes';font-family:'Times New Roman';mso-fareast-font-family:Calibri; line-height:150%;font-size:12.0000pt;">Example: T.N. Godavarman Thirumalpad v. Union of India (2006)</span><span style="mso-spacerun:'yes';font-family:'Times New Roman';mso-fareast-font-family:Calibri; line-height:150%;font-size:12.0000pt;">, where factual inaccuracies in the judgment led to a review.</span><span style="mso-spacerun:'yes';font-family:'Times New Roman';mso-fareast-font-family:Calibri; line-height:150%;font-size:12.0000pt;"><o:p></o:p></span></p><p class="MsoNormal" align="justify" style="margin-bottom:0.0000pt;text-align:justify;text-justify:inter-ideograph; line-height:150%;"><b><span style="mso-spacerun:'yes';font-family:'Times New Roman';mso-fareast-font-family:Calibri; line-height:150%;mso-ansi-font-weight:bold;font-size:12.0000pt;">Discovery of New and Important Evidence:</span></b><b><span style="mso-spacerun:'yes';font-family:'Times New Roman';mso-fareast-font-family:Calibri; line-height:150%;mso-ansi-font-weight:bold;font-size:12.0000pt;"><o:p></o:p></span></b></p><p class="MsoNormal" align="justify" style="margin-bottom:0.0000pt;text-align:justify;text-justify:inter-ideograph; line-height:150%;"><span style="mso-spacerun:'yes';font-family:'Times New Roman';mso-fareast-font-family:Calibri; line-height:150%;font-size:12.0000pt;">If crucial evidence, unavailable during the original proceedings, is discovered and has the potential to alter the outcome.</span><span style="mso-spacerun:'yes';font-family:'Times New Roman';mso-fareast-font-family:Calibri;**



Pronouncements on the Power of Review:

**Union of India v. Sandur Manganese and Iron Ores Ltd. (2013)**

The Court emphasized that the power to review must be exercised cautiously and is limited to correcting errors that are apparent on the record. The Court clarified that a review is distinct from an appeal and cannot be used as a mechanism to re-argue the case.

**Vinay Chandra Mishra (In Re: Contempt of Court, 1995)**

Here, the Supreme Court invoked Article 142 to strike a balance between judicial finality and the need for fairness, reaffirming the review power to address cases of procedural impropriety.

**Rupa Ashok Hurra v. Ashok Hurra (2002)**

The Court introduced the "curative petition" doctrine, a post-review mechanism designed to address gross miscarriages of justice. Though distinct

from the review process, it reflects the principles of equity enshrined in Article 142.

**Scope and Limitations:**

Although the Supreme Court’s review power under Article 142 is broad, it is exercised with caution to preserve the sanctity of judicial finality. Overuse of this power could lead to instability in the legal system. Key limitations include:

**Judicial Restraint:**

The Court stresses restraint to avoid frivolous or repetitive petitions.

**Finality of Judgments:** Judicial finality is a foundational principle of justice. Frequent reviews could undermine the stability of legal precedents.

**Scope of Error**

line-height:150%;font-size:12.0000pt;">: Reviews are limited to correcting obvious errors or addressing exceptional circumstances, not to re-litigating substantive issues.

**Comparison with Global Practices:**

**The Supreme Court of India's power to review judgments is similar to practices in other jurisdictions:**

**United States:**

**United Kingdom:**

**Canada**

Judicial reviews focus on administrative decisions, with limited scope for revisiting court judgments.

line-height:150%;font-size:12.0000pt;">: The Canadian Supreme Court has a structured mechanism for reviews but applies it sparingly to maintain legal certainty.

line-height:150%;font-size:12.0000pt;"><o:p></o:p>

<span style="mso-spacerun:'yes';font-family:'Times New Roman';mso-fareast-font-family:Calibri; line-height:150%;font-size:12.0000pt;">><span style="mso-spacerun:'yes';font-family:'Times New Roman';mso-fareast-font-family:Calibri; line-height:150%;font-size:12.0000pt;">>India's approach is more expansive, offering greater flexibility under Article 142 to address the unique challenges in delivering justice.

line-height:150%;font-size:12.0000pt;"><o:p></o:p>

<b><span style="mso-spacerun:'yes';font-family:'Times New Roman';mso-fareast-font-family:Calibri; line-height:150%;mso-ansi-font-weight:bold;font-size:12.0000pt;">>&nbsp;</span></b>

<b><span style="mso-spacerun:'yes';font-family:'Times New Roman';mso-fareast-font-family:Calibri; line-height:150%;mso-ansi-font-weight:bold;font-size:12.0000pt;">>Conclusion:</span></b>

<span style="mso-spacerun:'yes';font-family:'Times New Roman';mso-fareast-font-family:Calibri; line-height:150%;font-size:12.0000pt;">>Article 142 embodies the principles of justice, equity, and constitutional supremacy. The Supreme Court's power to review its judgments reflects its commitment to correcting errors and ensuring fairness. However, this power is not absolute and is exercised with careful consideration to balance the need for legal certainty with the pursuit of equitable outcomes. The evolving interpretation of Article 142 demonstrates the judiciary's ability to adapt to societal needs while maintaining the integrity of judicial processes. As the highest court of the world's largest democracy, the Supreme Court's authority to review its own judgments underscores its pivotal role as the ultimate guardian of justice and constitutional morality.

<span style="mso-spacerun:'yes';font-family:'Times New Roman';mso-fareast-font-family:Calibri; line-height:150%;font-size:12.0000pt;">>&nbsp;</span>

<span style="mso-spacerun:'yes';font-family:'Times New Roman';mso-fareast-font-family:Calibri; line-height:150%;font-size:12.0000pt;">>&nbsp;</span>

<span style="mso-spacerun:'yes';font-family:'Times New Roman';mso-fareast-font-family:Calibri; line-height:150%;font-size:12.0000pt;">>&nbsp;</span>



Best Lawfirm in lucknow for Corporate Cases | Best Criminal Lawyers Near me | Best Criminal Advocates Near me | Best Corporate Advocates Near Me | Best Criminal Lawyers in Lucknow High Court | Best Corporate Lawyers in Lucknow High Court | Best Lawfirm in Uttar Pradesh | Best Criminal Advocates in Uttar Pradesh | Best Advocates in Lucknow High Court | Best Lawyers in Lucknow High Court | Best Lawfirm in Lucknow High Court | Best Legal Advisor in Lucknow | Best Legal Consultant in Lucknow | Best lawfirm for legal Consultancy services in lucknow

Justice Y.K. Sabharwal, *Extraordinary Powers Under Article 142 of the Constitution of India*, 8 SCC (Jour) 1, 2 (2004).

H.M. Seervai, *Constitutional Law of India*, vol. 3, 2211 (4th ed. 1996).

M.P. Jain, *Indian Constitutional Law*, 738 (8th ed. 2018).

T.N. Godavarman Thirumalpad v. Union of India



target="\_blank"><https://saslawchambers.com/services></a></p><p  
class="MsoFootnoteText"><span style="mso-spacerun:'yes';font-family:'Times New  
Roman';mso-fareast-font-family:Calibri;  
font-size:10.0000pt;"><o:p></o:p></span></p>