

MCQ Question · mcqquestion.com

Article 137: Review and Curative Petitions at the Supreme Court

Free · Share

Article 137: Review and Curative Petitions at the Supreme Court

Even the Supreme Court can make a mistake. Can anyone ask it to look again? Article 137 says yes. A later court-made remedy goes one step further.

What does Article 137 allow?

The power to review

Article 137 lets the Supreme Court review any judgment it has pronounced or order it has made.

The power is subject to two things:

- Any law made by Parliament.
- Any rules made under **Article 145**.

Sources: constitutionofindia.net

> **Quick check 1.** Article 137 lets the Supreme Court review its own judgments. *(True or False?)* See answer ↓

Who sets the review rules

Article 145 lets the Supreme Court make rules for its own practice and procedure, with the President's approval.

These rules can cover two things:

- How a judgment may be reviewed.
- The time within which review applications must be filed.

The **Supreme Court Rules, 2013** carry this procedure.

Sources: constitutionofindia.net; scconline.com

What is a curative petition?

Where the idea began

The Constitution does not name a curative petition. The Court itself used the term in **Rupa Ashok Hurra v. Ashok Hurra**, (2002) 4 SCC 388.

A **five-judge Bench** decided it. It held that the Court can reconsider its own judgments to stop abuse of process and cure a gross miscarriage of justice.

The power is traced to **Articles 129 and 142**.

Sources: scconline.com; blog.ipleaders.in

Review and curative at a glance

Point	Review	Curative petition
Source of power	Article 137, with Article 145 rules	Articles 129 and 142
Created by	The Constitution	Rupa Ashok Hurra, 2002
Comes after	The original judgment	A dismissed review petition
Heard by	A Bench of the Court	Three senior-most judges and the original judges

Sources: scconline.com; constitutionofindia.net

Quick check 2. A curative petition comes straight from a text in the Constitution. *(True or False?)* See answer ↓

Conditions to file

A curative petition must meet these conditions:

- It must say its grounds were taken in the review petition.
- It must say the review was **dismissed by circulation**.
- A senior advocate must certify that these conditions are met.

Under **Rule 3 of Order XLVIII**, it must be filed within a reasonable time of the review order.

Sources: blog.ipleaders.in

When the Court will step in

The Court said a petitioner gets relief only in narrow cases. It is relief as of right, **ex debito justitiae**, when the petitioner shows:

- A **violation of natural justice**.
- An apprehension of **bias** that harms a party.

The Court also said that orders passed without jurisdiction, or in gross injustice, can be re-examined.

The aim is to stop abuse of process, not to reopen every case.

A petition without merit can backfire. If the Court finds it **vexatious**, it may impose **exemplary costs**.

One judge said curative petitions ought to be a **rarity**. They come only after a review fails.

Sources: blog.ipleaders.in; constitutionofindia.net

Who hears it

The petition goes first to a Bench of the **three senior-most judges**. The judges who passed the judgment complained of join them, if available.

Unless the Court orders otherwise, it is disposed of by **circulation** without oral arguments.

It is listed for hearing only if a majority of that Bench finds the matter needs it.

Sources: blog.ipleaders.in; scconline.com

> **Quick check 3.** A curative petition is first heard by the Chief Justice alone. *(True or False?)* See answer ↓

What did the Court clarify in 2023?

Registry cannot refuse

A two-judge Bench of **Justices Aniruddha Bose and Sudhanshu Dhulia** heard a challenge to a Registrar's refusal to register curative petitions.

The Registrar had refused them because the review was dismissed in open court, not by circulation.

The Bench held that the **Registry cannot decide** whether such a review merited a second look. A Bench must decide.

Sources: scconline.com

Time limit and oral hearing

The Bench said the **30-day limit** for review petitions does not extend to curative petitions. Curative power flows from Articles 129 and 142, not from the power to review.

Oral hearing is not ruled out. **Rule 4 of Order XLVIII** leaves it to the Bench to decide.

In **Union of India v. Union Carbide** (**2023**), the Court reaffirmed that curative petitions have a limited scope.

Sources: scconline.com; constitutionofindia.net

> **Quick check 4.** The 30-day limit for review petitions applies to curative petitions too. *(True or False?)* See answer ↓

Exam Edge

Previous Year Questions

Real questions on this topic.

What should you remember for exams?

Quick recap

- Article 137: review of its own judgments, subject to law and Article 145 rules.
- Article 145: rules on review procedure and time limits.
- Rupa Ashok Hurra, 2002: five judges created the curative petition.
- Filed after a review is dismissed by circulation. Heard by the three senior-most judges and the original judges.
- 2023: the Registry cannot refuse registration on its own.

Sources: constitutionofindia.net; scconline.com

Practice MCQs

1. Which Article lets the Supreme Court review its own judgments?

A. Article 137

B. Article 141

C. Article 143

D. Article 136

See answer ↓

2. Under which Article can the Supreme Court make rules for how review is done, with the President's approval?

A. Article 145

B. Article 142

C. Article 138

D. Article 146

See answer ↓

3. Which case gave India the curative petition?

A. Rupa Ashok Hurra v. Ashok Hurra

B. Kesavananda Bharati v. State of Kerala

C. Maneka Gandhi v. Union of India

D. Union of India v. Union Carbide

See answer ↓

4. Which Articles are named as the source of curative jurisdiction?

A. Articles 124 and 131

B. Articles 14 and 21

C. Articles 32 and 226

D. Articles 129 and 142

See answer ↓

5. Who first hears a curative petition?

A. The Registrar

B. The Chief Justice alone

C. Any single judge

D. A Bench of three senior-most judges with the judges of the original judgment

See answer ↓

6. What did the 2023 Bose and Dhulia Bench hold about the Registry?

A. It can fix the Bench

B. It must hear the petition itself

C. It may refuse any curative petition

D. It cannot decide whether a dismissed review merited a curative look

See answer ↓

Answer Key

1. **A.**
   Article 137 gives the Supreme Court power to review any judgment pronounced or order made by it.
   ↑ Q1
2. **A.**
   Article 145 lets the Court make rules on practice and procedure, including review and its time limits.
   ↑ Q2
3. **A.**
   A five-judge Bench used the term in Rupa Ashok Hurra v. Ashok Hurra, (2002) 4 SCC 388.
   ↑ Q3
4. **D.**
   The Court traced curative power to Articles 129 and 142, not to its review power.
   ↑ Q4
5. **D.**
   It goes first to the three senior-most judges and the judges who passed the judgment complained of, if available.
   ↑ Q5
6. **D.**
   The Bench held the Registry cannot decide this. A Bench must examine maintainability.
   ↑ Q6

Quick-check answers

1. **True.** It has power to review any judgment pronounced or order made by it. ↑ 1
2. **False.** The Court created it in Rupa Ashok Hurra (2002). The Constitution does not name it. ↑ 2
3. **False.** It goes to the three senior-most judges and the judges who passed the judgment. ↑ 3
4. **False.** The Court held that curative jurisdiction is special, so the review limit does not extend to it. ↑ 4

Curated by Arsalan Zuberi · mcqquestion.com

Scan to read online

https://mcqquestion.com/articles/polity0228-article-137-review-and-curative-petitions-at-the-supreme-court/