

Court No. - 40

Case :- CIVIL MISC REVIEW APPLICATION No. - 481 of 2022

Applicant :- New Okhla Industrial Development Authority

Opposite Party :- Smt. Samina Kanchwala and 2 others

Counsel for Applicant :- Kaushalendra Nath Singh, Anubhav Singh

Counsel for Opposite Party :- Pankaj Dubey, Ajay Singh, Shaurya Sharma, Somesh Khare

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Ashutosh Srivastava, J.

1. Heard Sri Kaushalendra Nath Singh, learned counsel for New Okhla Industrial Development Authority (applicant/respondent no.3) and Shri Somesh Khare, learned counsel for the petitioners.

2. This application alongwith delay condonation application has been filed for reviewing the order dated 07.4.2022 passed in Writ C No.6162 of 2022 (Smt. Samina Kanchwala and 2 others vs. State of UP and 2 others).

3. After hearing the parties, the writ petition was disposed of by the Division Bench vide judgment and order dated 07.04.2022. After disposal of the writ petition, the present review application has been filed alongwith the application for condonation of delay on 21.10.2022. No application for review can be entertained unless it is filed within 30 days from the date of order sought to be reviewed. The applicant has not given any plausible reason for condonation of delay of 166 days in filing the review petition.

4. The legislature has conferred the power to condone delay by enacting Section 51 of the Indian Limitation Act of 1963 in order to enable the Courts to do substantial justice to parties by disposing of matters on 'merits'. The expression "sufficient cause" employed by the legislature is adequately elastic to enable the courts to apply the law in a meaningful manner which subserves the ends of justice that being the life-purpose for the existence of the institution of Courts.

5. In the circumstances, we find that the applicant has not sufficiently explained the delay in filing the review application and accordingly, the delay condonation application is rejected.

6. As a consequence of rejection of the delay condonation application, the review application also stands dismissed.

Order Date :- 7.12.2023

Bhanu