

Court No. - 20

Case :- CIVIL MISC REVIEW APPLICATION DEFECTIVE No. - 8 of 2022

Applicant :- Chikara Devi @ Jhikra Devi (In 26637 A227 Of 2021)

Opposite Party :- Bhagwan Deen And 3 Others

Counsel for Applicant :- Manoj Sahu, Sonal Pandey

Counsel for Opposite Party :- Bajrangi Verma

Hon'ble Manish Mathur, J.

Order on Application for Condonation of Delay

Application has been filed seeking condonation of delay in filing review application against judgment and order dated 17.11.2021 passed in petition no.26637 (M/S) 2021.

Although objections to the aforesaid application have been filed but cause shown in the affidavit filed in support of application is sufficient and as such delay of 24 days as on 10.01.2022 is hereby condoned.

Order in Memo of Review Application

Review application has been filed against judgment and order dated 17.11.2021 passed in petition no.26637 (M/S) 2021.

Learned counsel for applicant submits that order dated 17.11.2021 has been obtained by the petitioner therein by concealing material fact regarding pendency of Writ Petition No.37354 (Consolidation) of 2018 in which they have already put in appearance and filed their counter affidavit but the factum of pendency of the said petition was not disclosed in the writ petition.

It has further been submitted that the application under Section 34 of the Revenue Code 2006 has been filed on the basis of an alleged will said to have been executed in favour of petitioners of the writ petition but the fact had again not been disclosed that the aforesaid will is already under challenge in Civil Proceedings in Regular Suit. It is thus submitted that the writ petitioners have not approached this Court with clean hand and therefore judgment and order dated 17.11.2021 is required to be reviewed.

Upon consideration of submissions advanced by learned counsel for review applicant and perusal of material available on record, particularly the impugned order dated 17.11.2021, it is evident that the order only narrates the factual situation as per

submission of learned counsel for petitioners of writ petition. However the operative portion of the order is only to the effect of issuing a direction to the authority concerned to decide the application filed under Section 34 of the U. P. Revenue Code 2006 expeditiously within a specified time frame and without granting any undue adjournment to either parties.

It is also clear that by means of order dated 17.11.2021 no adjudication on merits has been done by this Court.

In the objection raised by learned counsel for review applicant, there is no mention with regard to nature of dispute in Writ Petition No.37354 (Consolidation) of 2018 and as to how the same would have an effect on the pending application under Section 34 of the Revenue Code. It is also admitted by review applicant that the will under which writ petitioners are claiming mutation is as yet only pending consideration before Civil Court without any final adjudication as on day.

It is trite that scope of review application is very limited only to the extent of indication of any error apparent on the face of record. As per grounds taken and even as per submissions of learned counsel for review applicant, no error apparent on the face of record is evident. It is but natural that objections which have been taken by the review applicant in the review application can also be taken before authority concerned under Section 34 of the Revenue Code which obviously would be considered by the authority concerned.

In view of aforesaid, no error being apparent on the face of record, review application is hereby **dismissed**.

Order Date :- 18.12.2023

Subodh/-