

Court No. - 8

Case :- CIVIL MISC REVIEW APPLICATION DEFECTIVE No. - 157 of 2023

Applicant :- Vimal Kumar Tiwari

Opposite Party :- Second Additional District Judge, Unnao And 2 Others

Counsel for Applicant :- Seema Kashyap

Hon'ble Pankaj Bhatia,J.

Order on I.A. No.1 of 2023:

1. Heard.
2. The application seeks condonation of delay in filing the review application.
3. Cause shown is sufficient.
4. Delay in filing the review application is condoned.
5. The application is accordingly *allowed*.

Order on Review Application:

6. Present review application has been filed seeking review of the judgment dated 16.02.2022 passed in Writ - C No.1003464 of 1999 passed by this Court whereby the petition preferred by the petitioner was dismissed.
7. The contention, in brief, is that when the matter was heard, only counsel for the petitioner was heard and counsel for respondent no.3 herein was not present. It is argued that after hearing the parties, which included counsel for the petitioner and learned Additional Chief Standing Counsel for the State, this Court had dismissed the petition with a cost of Rs.1,000/- with further directions to comply with the conditions imposed by the State Consumer Forum in its order dated 26.04.1996 within two months.
8. It is argued that when the matter was heard, counsel for the petitioner was not informed and thus, could not inform this Court that the matter has already been compromised in between the parties and the same has also been accepted in the Court of competent jurisdiction. A copy of the compromise is on record as Annexure - 1 to the present application.
9. Considering the fact that the matter was compromised, however, the same was not within the knowledge of the counsel

for the petitioner when the matter was argued, a good ground for review is made. The review application is ***allowed***.

10. Judgment dated 16.02.2022 passed in Writ - C No.1003464 of 1999 is recalled. The said writ petition is disposed off on the basis of compromise entered into between the parties.

Order Date :- 10.10.2023

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