

Court No. - 19

Case :- CIVIL MISC REVIEW APPLICATION DEFECTIVE
No. - 227 of 2023

Applicant :- Vandana

Opposite Party :- Commissioner, Faizabad Division Faizabad
And Others

Counsel for Applicant :- Richa Tiwari

Hon'ble Jaspreet Singh,J.

The instant review application has been filed by the review-petitioner seeking review of the order passed by this Court dated 07.03.2020 in Writ-C N. 1332 of 2022 whereby the petition of the review-petitioner was dismissed.

The instant review-petitioner is accompanied by an application seeking condonation of delay as the registry has reported that the review is barred by 368 days, however, it does not discharge the onus on the petitioner to explain the latches. Since there is no period of limitation prescribed in exercise of powers conferred under Article 226 of the Constitution of India.

Similarly, even in review filed against the order passed in writ jurisdiction, the concept of limitation has no applicability rather it is the latches which has to be explained.

Considering the aforesaid and looking into the affidavit filed by the petitioner explaining the latches, this Court does not find that there is any cogent reason which has been explained in order to overcome the delay of 368 days, and even otherwise the Court has examined the present petition on merits and finds that there is no proper explanation to explain the latches,, Even otherwise for a moment, if we set aside the issue of delay, the Court has examined the review petition on merits and the grounds taken therein does not amount to any error apparent on the face of record, rather the grounds are speculative in nature attempting to get a re-hearing on merits which is not permissible, accordingly, the review-petition is ***dismissed***.

Order Date :- 31.10.2023

Asheesh