



2026:AHC:194959-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CIVIL MISC REVIEW APPLICATION No. - 235 of 2021

State Of U.P. Through Magistrate And 3 Others

.....Applicant(s)

Versus

Yasin

.....Opposite
Party(s)

Counsel for Applicant(s) : Mohan Srivastava, Prabhakar Awasthi
Counsel for Opposite Party(s) : Bhupeshwar Dayal, Devraj Rajvedi,
Surya Shanker Pandey, Vivek Saran
(Elevated)

Court No. - 25

HON'BLE RAJAN ROY, J.

HON'BLE MANJIVE SHUKLA, J.

(Civil Misc. Delay Condonation Application No.1 of 2021)

1. Heard.
2. The case is being taken up through video conferencing.
3. This is an application seeking condonation of delay in filling the review application against the judgment and order dated 09.04.2014 passed in Writ Petition (C) No.13218 of 2008 (Yasin Vs. State of U.P. and Others).
4. Against the said judgment and order dated 09.04.2014 a Special Leave to Appeal (Civil) No.22413 of 2014 (State of U.P. and Others vs. Ram Prasad) was preferred by the State which was dismissed on 26.11.2019, thereafter, this review application was filed on 25.03.2021 alongwith an application for condonation of delay. The same remained pending and has now come up before this Bench for the first time.
5. We have perused the affidavit filed in support of the application for condonation of delay in filing the review application. In paragraph No.9 it has been averred that the SLP was dismissed on 26.11.2019 and in paragraph No.10, it has been stated that legal opinion was obtained from DGC (Civil) on 11.02.2020 which itself is after more than two and a half months of the SLP being dismissed. The affidavit thereafter, goes on to

narrate as to how the file kept on moving from one section/office to another which is hardly an explanation much less an acceptable one for condoning such inordinate delay of about 16 months from the date of dismissal of SLP days in view of the recent decision of Hon'ble the Supreme Court in the case of ***Shivamma (Dead) by LRS vs. Karnataka Housing Board and Others*** reported in ***2025 SCC OnLine 1969***. When the matter was forwarded to the State Government it asked for proposal to file review petition before the Apex Court only on 20.08.2020 which is a good more than ten months after the dismissal of the Special Leave Petition (Civil). Again legal opinion was sought from DGC (Civil) and again a letter was written by the Government on 07.09.2020 seeking a proposal for filing review petition before the Apex Court. The legal opinion of DGC (Civil) was received on 09.09.2020. So on and so forth the affidavit goes on to narrate as to how the correspondence took place between various departments/sections of the State Government.

6. We are of the considered opinion that in view of the recent decision in ***Shivamma (Dead) by LRS (supra)*** this is not at all an acceptable explanation for such inordinate delay, accordingly, we **reject** the application for condonation of delay, consequently, the review application also stands rejected.

(Manjive Shukla,J.) (Rajan Roy,J.)

September 16, 2026

Piyush/-