

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.393 of 2014

In
SA 283 of 1998

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Raghubansh Singh, son of Dudhnath Singh, resident of village-
Chamanpura, presently village-Rewa Tirth, P.S.-Baikunthpur, P.O.
Chamanpura, District-Gopalganj.

.... Petitioner/s

Versus

1. Bishambhar Singh son of Ram Naresh Singh.
2. Smt. Shakuntala Devi, wife of Bishambhar Singh, both residents of
village and P.O. Chamanpura, Paragana-Marhal, P.S.-Baikunthpur,
District-Gopalganj.
3. Nand Kishore Singh son of Krishnadeo Singh resident of village
Rewa Tirth P.S. Baikunthpur, District-Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Dubey

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

4 12-08-2015 Heard Mr. S.S. Dwivedi, the learned senior counsel
appearing on behalf of the petitioner.

This review application has been filed against the
judgment and order dated 18.03.2013 passed by this Court in S.A.
No. 283 of 1998. As this review application is barred by
limitation, the petitioner has filed interlocutory application (I.A.
No. 8792 of 2014) for condonation of delay.

It has been stated in the interlocutory application that
the petitioner had filed S.L.A. (Civil) No. 20947 of 2013 before



the Hon'ble Apex Court which was dismissed by order dated 13.12.2013. The present review application has been filed on 26.11.2014 and the office has pointed out that the delay is of 1 year 7 month and 9 days. The ground for condonation of delay, as stated in the interlocutory application, is that the delay was caused as the petitioner had to rush to Delhi in order to get the records and thereafter the present review application has been filed. The petitioner had stated that there is no deliberate laches in filing this review application. Mr. Dwivedi, the learned senior counsel for the petitioner has submitted that this review application has got merit and as such the delay may be condoned as there is cogent explanation furnished by the petitioner. It has also been submitted that there is no bar in maintainability of a review application even after the dismissal of the special leave petition by the Apex Court.

The Apex Court in the case of **Meghmala Vs. G. Narasimha Reddy, 2010 (8) SCC 383** after considering the earlier decisions on the issue has laid down the principle in this regard as follows:-

“25..... Thus, the law on the issue stands crystallized to the effect that in case a litigant files a review petition before filing the special leave petition before this Court



and it remains pending till the special leave petition stands dismissed, the review petition deserves to be considered. In case it is filed subsequent to dismissal of the special leave petition, the process of filing review application amounts to abuse of process of the court....”

In view of the dictum as above, this review application filed after the dismissal of special leave petition is held to be abuse of process of the court and is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

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