

AFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Review Petition No. 65 of 2015

1. Vasudev Tripathi S/o Kamta Prasad Tripathi R/o Kushalpur, Police Station-Purani Basti, Raipur District- Raipur Chhattisgarh

---- Petitioner/Applicant

Versus

1. Smt. Kirtibala Tripathi (wrongly mentioned as Hurani) W/o Vasudev Tripathi, aged about 25 years, at present resident of Masanganj, Bilaspur, Police Station-Civil Lines District -Bilaspur Chhattisgarh

---- Respondent/Non-applicant

For Petitioner – Shri C.K.Sahu, Advocate.
For Respondent – None, not noticed.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

28/10/2015

1. Heard on I.A.No.1 for condonation of delay as the instant review petition has been preferred after 33 days of its limitation.
2. Also heard on motion.
3. It is submitted on behalf of the applicant that after getting certified copy of the order dated 30-04-2015, the applicant received advice from his counsel and on the basis of his advice, the applicant has filed the present review petition. Hence, the delay is unintentional and bonafide, therefore the same may be condoned. Learned counsel further submits that the applicant was served and required to present before this Court on 30-04-2015. On behalf of the applicant power is filed on 30-04-2015 and as the applicant was not represented when the case was taken up for hearing before filing of power on 30-04-2015, the case was disposed of, hence, the Registry refused to receive Vakalatnama and it is prayed that the instant review petition is liable to be allowed and since sufficient grounds are exist in favour of the applicant, the order dated 30-04-2015 passed by this Court in Transfer Petition (C) No.11/2015 be reviewed and the transfer petition be dismissed in the interest

of justice.

4. To appreciate the arguments advanced in this behalf, I have perused the material available in the disposed of Transfer Petition (C) No.11/2015.

5. From perusal of the notice issued to the applicant, it goes to show that Registry has informed the applicant (respondent in Transfer Petition (C) No.11/2015) that the matter be listed for hearing before the Court on 30-04-2015 or immediately thereafter and if the party is not represented, the matter will be heard ex-parte. The notice which is served on the applicant goes to show that the applicant was aware that the matter may be listed for hearing on 30-04-2015 or immediately thereafter. It is not the case that the matter was listed for hearing prior to 30-04-2015, it was required to the applicant that if he wanted to be represented, he had to appear or to be represented as per the date mentioned in the notice. The matter was accordingly listed before the Court and as the applicant was not represented, the matter was accordingly disposed of. The grounds taken in the review petition is not sustainable under the facts and law. Also so far as grounds for condonation of delay are concerned, as the applicant was already aware for hearing of the case on 30-04-2015 and if on the same day the matter was disposed of, then as to how and why he had filed the instant review petition after 33 days of its limitation. The delay is not satisfactorily explained.

6. On due consideration, as the delay in filing the instant review petition is not satisfactorily explained and also the grounds taken for review is not sustainable on the points of law and facts, the instant review petition is dismissed as barred by limitation and not maintainable.

7. The petition dismissed.

8. No order as to cost.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE

