

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Review Petition No. 160 of 2015**

Lakhan Das S/o Dhyandas Manikpuri, Aged About 63 Years R/o Village Kholwa, Police Station Bhatapara Gramin, Tehsil Bhatapara, District Baloda Bazar, Chhattisgarh

---- Applicant**Versus**

1. Minabai Wd/o Bhuneshwar Manikpuri, Aged About 48 Years R/o Village Udela, Police Station Newra, Tehsil Simga, District Baloda Bazar, Chhattisgarh
2. State Of Chhattisgarh, Through: Collector, Baloda Bazar, Police Station Baloda Bazar, District Baloda Bazar, Chhattisgarh

---- Respondents

For Applicant	:	Shri P.P. Sahu, Advocate.
For Respondent No.1	:	Not noticed.
For Respondent No.2/State	:	Ms. M. Asha, Panel Lawyer on advance copy.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order on Board****18/01/2016**

(1) Heard on I.A. No. 1 of 2015, an application for condonation of delay in filing the review petition as well as on admission.

(2) The instant review petition has been preferred after 100 days of its limitation. By filing the interim application (I.A. No. 1 of 2015), the Applicant submitted that after receiving the certified copy from his counsel, he had contacted with his local counsel at Bhatapara and then he filed the instant review petition after arranging the funds for the same. Hence, the delay may be condoned and the matter may be admitted for hearing to review and modify the order passed by this Court in Second Appeal No. 207 of 2015 wherein and whereunder this Court on 14.7.2015 held that as no substantive question of law arises for

determination, the said second appeal has been dismissed at the motion stage itself.

(3) Learned counsel for the Applicant prays that for the reasons mentioned in I.A. No. 1 of 2015, the delay of 100 days in filing the instant review petition may be condoned and the matter may be admitted for hearing and after hearing, relief sought for may be granted.

(4) For the purposes of appreciation of the submissions advanced, perused the application for condonation of delay and the material on record.

(5) From perusal of the record, it reveals that on 14.7.2015 the matter was heard and disposed of on board. Learned counsel for the Applicant/ Appellant submits that the said second appeal was under the provisions of Order 41 Rule 11 read with Order 42 Rule 1 of the Code of Civil Procedure, 1908 (for short 'the Code').

(6) After hearing the Appellant/ Applicant, order for dismissal of the second appeal at the motion stage itself has been passed thereby the Appellant/ Applicant had knowledge through his counsel as his counsel duly representing him took part in hearing. The reason mentioned in I.A. No. 1 of 2015 that after receiving the certified copy from his counsel the Applicant/ Appellant contacted with his local counsel at Bhatapara and on the basis of the advice he had filed the instant review petition for review and modification of the order under Section 114 of the Code appears to be not justifiable.

(7) From perusal of I.A. No. 1 of 2015 it goes to show that the reason for delay is not satisfactorily explained and despite knowledge the instant review petition has been preferred after a delay of 100 days thereby in

the considered view of this Court the Applicant has failed to demonstrate any satisfactory reason to condone the delay.

(8) I.A. No. 1 of 2015 is also liable to be dismissed as the grounds taken in the petition for review-cum-modification go to show that this Court vide order dated 14.7.2015 has passed a detailed order by appreciating the entire arguments and facts regarding the scope for formulation of substantive question of law and dismissed the said second appeal holding that it was not a fit case for admission. Consequently, the same is dismissed at the motion stage itself. The scope of review/ modification under Section 114 of the Code is of very limited nature. By filing the review petition the matter cannot be considered in toto for which the Applicant/ Appellant has made the prayer.

(9) On due consideration, there is no scope for review/ modification of the order dated 14.7.2015. Consequently, the instant review petition is dismissed as barred by limitation as also being devoid of any merit for admission.

(10) No order as to costs.

Sd/-

(Chandra Bhushan Bajpai)

JUDGE