

CM-3092-LPA-2016
CM-3093-LPA-2016
RA-20-2016 in
LPA-77-2006

Smt. Ishwari Devi
Vs
State of Haryana and others

Present:- Mr. Ashwani Kumar Bura, Advocate,
for the review petitioner-appellant.

* * * *

The appellant seeks a review of an order and judgement dated 02.12.2014 passed by a Division Bench to which one of us (Deepak Sibal, J.) was a party. The other learned Judge has now retired. The application for review is, therefore, taken up by this Bench.

2. The order sought to be reviewed sets out Section 100-A of the CPC and records that in view thereof and in view of a decision of a Division Bench of this Court in LPA-1564-2014 titled as *Surjit Singh and others Vs The Haryana State and another* decided on 10.11.2014, learned counsel for the appellant i.e. the review petitioner wanted to withdraw the appeal with liberty to approach the Hon'ble Apex Court. The Division Bench accordingly dismissed as withdrawn the said appeal.

3. The review petitioner thereafter filed a Petition for Special Leave to Appeal before the Supreme Court which was by an order dated 27.02.2015 dismissed on the ground of delay. The Supreme Court, therefore, did not dismiss the petition in limine. It would not be open, therefore, for us to consider the review application on the ground that the counsel who appeared before the Division Bench had wrongly withdrawn the

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appeal. Moreover, the learned counsel who appeared before the Division Bench has not filed this review application. It is not possible for us to entertain the grievance that the learned counsel engaged by the review petitioner had failed to appear before the Supreme Court also.

4. In view of the above circumstances, the review application is dismissed.

(S.J. VAZIFDAR)
CHIEF JUSTICE

(DEEPAK SIBAL)
JUDGE

22.08.2016
Amodh