

**RA-RS No.63-C of 2016 (O&M) in
RSA No.4463 of 2012**

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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**RA-RS No.63-C of 2016 (O&M) in
RSA No.4463 of 2012
Date of Decision.12.12.2016**

Manjit Kaur

.....Applicant/Appellant

Vs

Nirmal Kaur and others

.....Respondents

Present: Mr. Deepak Arora, Advocate
for the applicant-appellant.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

Notice in the application.

Mr. G.S. Bhatia, Advocate accepts notice for respondent Nos.2
to 4.

The counsel for the applicant-appellant submits that the
appellant had lost the case yet the appeal bearing RSA No.1860 of 2013 at
the instance of defendant No.1 has been filed. Record of the
aforementioned regular second appeal is enclosed with the present
application.

RSA No.1860 of 2013 has been filed at the instance of
defendant No.1 who has already won the case as act of her agent had
already been held to be void, as the sale deed in favour of the plaintiff by
the agent is of 15.11.2000 whereas her own sale deed is dated 17.10.2000 in
favour of defendant Nos.2 to 4. It is also a matter of record that against the
order of this High Court dated 18.10.2012, the appellant-plaintiff had filed
Special Leave Petition before the Hon'ble Supreme Court in November,

2013 and the matter was kept under objections for almost 3 ½ years. The same came to be dismissed on 5.1.2016. Thus, reasoning given for delay of 1258 days cannot be attributed to the failure of the judicial system but it is voluntarily act. No explanation has come forth as to why objections were not cleared for 3 ½ years. Perhaps it was no only adoption of delaying tactics but appears to be an apparent collusion between the plaintiff and defendant No.1, owing to the pendency of the appeal.

I do not intend to recall the order as the order dated 18.10.2012 is based upon appreciation of fact of how the plaintiff would be deriving any interest when the original owner was not having the title and interest for setting aside the sale deed as the sale deed of defendant Nos.2 to 4 has been executed by the principal herself i.e. the owner-defendant No.1, which has been upheld.

No ground for interference is made out. The review application is dismissed both on account of delay as well as on merits.

**(AMIT RAWAL)
JUDGE**

December 12, 2016
Pankaj*

Whether speaking/reasoned	Yes
Whether reportable	No