

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

**RA-RS No.129-C of 2016 (O&M)
Date of Decision.02.12.2016**

Ram Niwas

.....Applicant-Appellant

Vs

Jai Bhagwan and another

.....Respondents

Present: Mr. Arun Walia, Senior Advocate with
Mr. Himanshu Puri, Advocate
for the applicant-appellant.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

C.M. No.14216-C of 2016

The review petition is accompanied by application seeking for condonation of delay of 170 days on the premise that the appellant had intended to file SLP before the Hon'ble Supreme Court but the counsel in the Supreme Court advised him to file review petition. It this for this reason, the delay of aforementioned days has occurred in filing the review application. Though the opinion is not enclosed, I believe the contents of the application as supported by an affidavit.

Delay of 170 days in filing the review application is condoned.

Application is allowed.

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As regards the review application on merits, Mr. Arun Walia, learned Senior Counsel assisted by Mr. Himanshu Puri, Advocate submits that in one of the civil revisions arising out of ad interim order passed in civil suit, out of which the regular second appeal had been filed in this Court, has reached to this Court by way of regular second appeal filed by

Basanta, much less, given the nomenclature of being adopted son of Nanag Ram and therefore, he could not be said to be adopted son of Pokhar. There cannot be two adoptions. This piece of evidence could not be brought on record before this Court at the time of disposal of the appeal and therefore, sought permission to place on record the same by way of misc. application filed along with the present review petition, thus, there is error apparent on the face of record.

I have heard learned counsel for the review applicant-appellant and of the view that the aforementioned order was passed in the presence of the counsel for the appellant. Moreover, giving the nomenclature in the review petition arising out of impugned order passed by the trial court during the pendency of the suit would not change the status of parentage as pith and substance of passing the order was that there had been no compliance of provisions of Section 50 of the Indian Evidence Act. Having failed to lead any evidence regarding the relationship, the appeal has been dismissed.

I do not intend to review the order already passed as there is no error apparent on the face of record. The review application is dismissed.

(AMIT RAWAL)
JUDGE

December 02, 2016

Pankaj*

Whether speaking/reasoned Yes

Whether reportable No