

V.Vishal
2016.10.20 11:08

**CM-3862-LPA-2016 in/and
RA-LP-25-2016 in
LPA-50-1990**

**Bathinda Improvement Trust
Versus
Satish Kumar Singal & Anr.**

Present: Mr. Mohan Sharma, Advocate the review applicant

Mr. Salil Sagar, Senior Advocate with
Mr. Samarth Sagar, Advocate and
Mr. Sankalp Sagar, Advocate for the appellant

This review application seeks to recall the order dated 31.08.2016 whereby a bunch of Letters Patent Appeal filed by the Bathinda Improvement Trust have been allowed and the order of learned Single Judge quashing acquisition of land including that of the review applicant for two development schemes has been set aside.

In the review application several pleas have been taken but during the course of hearing, learned counsel for the review applicant submits that Civil Misc.No.88 to 91 of 2005 was filed to place on record some additional documents as well as for impleadment of Municipal Council, Bathinda but no order(s) has been passed on those applications.

We have gone through the contents of the above-stated application (CM-89-LPA-2005) moved under Order 41 Rule 47 read with Section 151 CPC to lead additional evidence. The non-adjudication of that application, in our considered view, is no valid ground to seek recall/review of the order dated 31.08.2016. We say so for the reason that firstly, the afore-mentioned application was never pressed by the review-applicant during the course of hearing despite the fact that the matter was heard continuously for several days and counsel for the review-applicant was also heard at length. Secondly, the additional evidence comprises official record like copy of the objections dated 27.02.1984, order of sanctioning site plan for construction of building by Municipal Council, notices issued by the

Improvement Trust or copies of the written statement or various applications etc. etc.. All these documents have been minutely scanned before formation of opinion by this Court as the entire original record was summoned and was examined with the assistance of counsel for the parties. The formal non-adjudication of the application thus is inconsequential.

The review application is wholly misconceived. Both the applications are accordingly dismissed.

(Surya Kant)
Judge

07.10.2016
vishal shonkar

(A.B.Chaudhari)
Judge