

**CM-8868-69-CWP-2016 in/and
RA-CW-231-2016 in
CWP-395-2014**

**Kimat Lal & Ors.
Versus
State of Haryana & Ors.**

Present: Mr. Raj Kumar Chugh, Advocate for the review applicant

CM-8869-CWP-2016

Allowed as prayed for.

Documents (R1 to R4) are taken on record subject to just exceptions.

CM stands disposed of.

RA-CW-231-2016

This application seeks to recall/modify the order dated 29.04.2016 whereby the review-applicant's writ petition challenging the order of resumption of commercial property as well as appellate order etc., was dismissed. The review-applicant has appended the order dated 18.07.2016 passed by the Hon'ble Supreme Court whereby SLP moved against the order dated 29.04.2016 has been dismissed without liberty to apply for review though the amount which the petitioners offered to deposit before the Hon'ble Supreme Court after dismissal of their writ petition by this Court has been ordered to be refunded to them.

Learned counsel for the review applicant, nevertheless, submits that there is a factual error apparent on record, namely, that this Court has made reference to the filing of Civil Suit which the petitioners statedly never filed.

It may be correct that the averments *re*: filing of the Civil Suit by the review-applicants as mentioned in para 19 of the order under review, are not correct and the Civil Court judgment placed on record by the writ-petitioners pertains to some other persons. However, the Civil Suit was not

sole factor which dissuaded this Court from granting any relief to the review-applicants. The fact of the matter is that the statutory appeal was filed by them at a highly belated stage and they deliberately did not honour the statement made on their behalf before this Court when they were asked to deposit ₹20 lacs to show their *bona fide*. Such an offer made at a belated stage before the Hon'ble Supreme Court, has also not been accepted.

Moreover, the SLP has been dismissed by the Hon'ble Supreme Court without any liberty to approach this Court by way of review application.

No case to review/recall the order dated 29.04.2016 is made out.

Dismissed.

CM-8868-CWP-2016

Since the review application has been dismissed on merits, no specific order is required to be passed in this application seeking condonation of delay of 58 days in its filing.

(Surya Kant)
Judge

12.08.2016
vishal shonkar

(Amol Rattan Singh)
Judge