

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

C.M. No.442-C of 2017 and
RA No.134 of 2016 in
RSA No.834 of 2012
Date of Decision.06.02.2017

Lt.Col. Dr. Rajinder Singh Bhatia

.....Appellants

Vs

Amarjit Kaur and others

.....Respondents

Present: Mr. Vineet Sehgal, Advocate
for the applicants-respondent Nos.4 and 5.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

C.M. No.442-C of 2017

Mr. Vineet Sehgal files vakalatnama with no objection from the previous counsel seeking recall of the order of withdrawal of the review petition on the ground that the review applicant had not given any authority. In support of his contention, he relies upon the judgment rendered by Hon'ble Supreme Court in **Himalayan Coop. Group Housing Society Vs. Balwan Singh 2015 (7) SCC 373.**

Keeping in view the aforementioned fact, the order of dismissal of the review petition is hereby recalled and the review application is restored to its original number.

Application is allowed.

R.A. No.134 of 2016

Learned counsel appearing on behalf of the review applicants submits that the applicants are the successors-in-interest of Smt. Satpal Kaur daughter of Ram Kali Bhatia, thus, they are entitled to 1/5th share.

absolute owner. It is conceded position on record that Ram Kali Bhatia had five children and all would be having a 1/5th share and the mode of partition has already been suggested.

It is now settled law that the review application re-agitating the issue is not permissible as per Section 114 and Order 47 CPC as held by the Hon'ble Supreme Court in *Tamilnadu Terminated Full Time Temporary LIC Employees Association Vs. S.K. Roy, The Chairman, Life Insurance Corporation of India and another 2016(9) SCC 366.*

In view of the aforementioned observation, I do not find any error apparent on the fact of record. No ground for interference is made out. The review application stands dismissed.

(AMIT RAWAL)
JUDGE

February 06, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No