

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

CWP No.12063 of 2017

Date of Decision.01.06.2017

Balwinder Kaur, Sarpanch

.....Petitioner

Vs

State of Punjab and others

.....Respondents

Present:

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J.(ORAL)

No objection certificate given by the previous counsel has been filed.

The review application, accompanied by an application seeking condonation of delay of 77 days, has been filed on the premise that there is an error apparent on the face of record. However, on going through the grounds of review petition, the point of limitation which has already been noticed by me while rendering the judgment, as concededly, the respondents-defendants had been receiving the payments after 1986, as extracted in internal page 2 of the judgment i.e. upto 6.6.1989 and the suit was filed on 2.6.1992 within a period of three years i.e. as per Article 54 of the Limitation Act, which enables the plaintiff to invoke the jurisdiction of the Civil Court seeking specific performance when he came to know about the refusal. After 10.01.1986, as per the details mentioned above, the

plaintiff had not received only solitary installment but many more i.e. ₹10,000/-, ₹4,000/-, ₹4000/-, ₹1000/-, ₹1000/-, ₹1000/-, ₹5000/- over and above of ₹3450/-. All these factors have not been belied, in essence, the receipts of the amount aforementioned has not been denied, thus, in my view, there is no error apparent on the face of record. The plaintiff cannot be non-suited on the ground of limitation.

The review application is nothing but an attempt to re-agitate the points which have been raised and addressed, which is not the scope of the review as the ingredients of Section 114 and Order 47 of the Code of Civil Procedure do not envisage such grounds, in view of the ratio decidendi culled out by 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, the review application is dismissed both on the ground of limitation and merit.

(AMIT RAWAL)
JUDGE

May 30, 2017

Pankaj*

Whether speaking/reasoned Yes

Whether reportable No