

AFR

HIGH COURT OF CHHATTISGARH, BILASPUR**REVP No. 28 of 2018**

- Smt. Pushpa Sharma W/o Dr. Saroj Sharma Aged About 53 Years R/o Debnandan Nagar, Phase-I, Sarkanda, Bilaspur, District Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. Smt. Nashrin Bano W/o Mohammad Shehjada Aged About 37 Years R/o Village And Post Khamahria, Tahsil Masturi, District Bilaspur, Chhattisgarh
2. Mohammad Shehjada Aged About 43 Years R/o Village And Post Khamahria, Tahsil Masturi, District Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Hemant Gupta, Advocate.
For Respondents	:	Shri K.A. Ansari, Senior Advocate assisted by Shri Devesh G. Kela, Advocate.

Hon'ble Thottathil B. Radhakrishnan, Chief Justice**Hon'ble Shri Justice Sharad Kumar Gupta****Order on Board****Per Thottathil B. Radhakrishnan, Chief Justice****04.04.2018**

1. We have heard the learned counsel for the Petitioner and the learned Senior Counsel for the Respondents on this application seeking review of an order dismissing appeal under Article 227 of the Constitution of India.
2. The order sought to be reviewed was rendered by this Court on 05.02.2018. The facts of the litigation are explicitly stated therein.
3. The Review Petitioner - Smt. Pushpa Sharma was the owner of a piece of land and building. That was sold by her to the Respondents. Ultimately, litigation ensued as between them. Simultaneously, a litigation was initiated by Dr. Saroj Sharma, husband of the review petitioner.

4. The plea projected in this review petition is that the Rent Control Tribunal had dismissed review petitioner's statutory appeal on the ground of delay and it is an eminently fit case where that order should be vacated and the matter remitted to the Tribunal for reconsideration. We are not impressed to accept this contention. The first and foremost reason which we see as against the review petitioner's plea is that this Court was dealing with applications under Article 227 of the Constitution of India and after noticing that the Rent Control Tribunal has dismissed the review petitioner's appeal on the ground of delay, this Court considered the basic facts of the case of Review Petitioner, Smt. Pushpa Sharma and also her husband Dr. Saroj Sharma. Secondly, the fact that a delay petition has been dismissed or an appeal has been dismissed on the ground of delay, does not by itself automatically lead to any requirement to remit the entire matter to that authority when this Court in supervisory jurisdiction under Article 227 of the Constitution of India was satisfied that no ground ultimately exists, on the scales of justice, for the review petitioner to seek any further remedy.
5. The judgment sought to be reviewed has been rendered taking into consideration all the relevant facts and factors. It was rendered after noticing that the review petitioner's statutory appeal before the Tribunal was dismissed as time barred. We, therefore, do not find any ground to hold that there is any error apparent on the face of record of the judgment sought to be reviewed. Nor is there any other ground compelling us to review the order dated 05.02.2018. The review petition, thus fails.
6. In the result, this review petition is dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge