

**121 RA-RS-114-C of 2018 (O&M) in
RSA No.61 of 2014**

BHALIA & ORS

VS

PHULPATI & ORS

Present: Mr. R.S. Kundu, Advocate for the review applicant.

CM No.16419-C of 2018

For the reasons stated in the application, which is duly supported by an affidavit, delay of 51 days in filing the review application is condoned.

Application is allowed.

RA-RS-114-C of 2018

Review of the judgment dated 21.05.2018 has been sought on the ground that the application for additional evidence to produce pedigree table has not been disposed of.

Review application has been filed by a new counsel. The judgment was dictated in open Court. It is apparent that at the time of hearing, previous learned counsel for the appellants did not draw attention of the Court to the pedigree table sought to be produced by way of additional evidence. Still further, the review application is not maintainable by a new counsel.

In any case, this pedigree table is on the basis of the jamabandi for the year 1980-81 and there is no reason why the aforesaid document was not produced before the Courts below and these documents are not per se admissible. These are required to be proved in accordance with law. In such circumstances, at this stage, this Court does not find any reason to allow the application particularly when it was not pressed when the case was disposed of.

Review application is dismissed.

CM No.16418-C of 2018

Another application has been filed for impleading legal heirs of Bhalia-appellant No.1 on record. Since, no notice has been issued in the review application, therefore, it would not be appropriate to pass any order on the aforesaid application.

Application is disposed of in terms of the order passed in the review application.

20.11.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**