

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CM-5462-CI-2018 in
RA-RF-123-CI-2018 in
RFA-53-1992
Date of decision: 30.07.2018**

Sukhchain Singh & another

....Appellants

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.R.S.Manhas, Advocate, for the applicant/review-appellants.

G.S. SANDHAWALIA, J. (Oral)

The present application has been filed for review of the order dated 31.10.2012, which is delayed by 1974 days.

The ground for condonation of delay is that the appeal was decided along with RFA-2550-1991, decided on the same date. The applicants were under mistaken belief that if the enhancement was done in the said case, the applicants would also be granted the necessary benefits on account of a review petition having been filed in that case. From a perusal of the impugned order, it would be clear that while dealing with the merits of the present appeal, the Court had enhanced the valuation by 13% on the rates given over and above of the acquisition made for the year of the trees in question.

Review is sought on the ground for granting the fuel value of the fruit bearing trees. The argument which is now sought to be raised is over and above what has been argued earlier. It is settled principle that by virtue of review, the case cannot be re-argued.

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Even otherwise, the application for condonation of delay for the review of the order which was passed more than 6 years back, does not show any sufficient cause, as such, to condone the delay as the appellant was well aware of the orders which had been passed.

Resultantly, no ground is made to condone the delay in filing the present review application and the same is, accordingly dismissed along with the application for review.

30.07.2018
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*