

RA-LP-5-2019 in
LPA-1884-2018

Sunil Dutt
Vs
State of Haryana and others

Present: Mr. Dinesh Singh Rawat, Advocate,
for the appellant.

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This is an application seeking review of our order dated 07.02.2019 dismissing the appeal as barred by limitation since the delay of almost seven years was unexplained.

2. Even the explanation contained in the application seeking condonation of delay was quoted in the order. It is pertinent to note that the application was not even made under Section 5 of the Limitation Act, 1963, but it was made under Section 151 of the Code of Civil Procedure, 1908, which was not at all maintainable. It is well settled proposition of law that when there is a specific provision contained in the statute, recourse cannot be made to inherent jurisdiction of the Court. Thus, the application itself was not maintainable.

3. Apart from above, there is absolutely no explanation worth the name contained therein to condone the delay of seven years. The ground for the review is that the order was passed without hearing learned counsel for the appellant as when the matter was called he was not present in the Court due to death of father of his junior colleague.

4. Be that as it may, even after having heard learned counsel for the appellant, we find no change in the situation because the fact that there is no application under Section 5 of the Act remains the same. Even otherwise, the application under Section 151 CPC does not contain any such ground or material to constitute sufficient cause to condone an inordinate delay of seven years and, thus, no good ground exists to review the order and accordingly the review application stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE