

Review Application No.97 of 2019 (O&M) in
R.S.A. No.3438 of 1987

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

R.A. No.97 of 2019 (O&M) in
R.S.A. No.3438 of 1987
Date of Decision: November 05, 2019

Murari Lal

...Appellant

Versus

Dharamander & another
(Deceased through L.Rs)

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. C.B.Goel, Advocate,
for the applicant-appellant.

AMIT RAWAL, J.

CM No.13996-C of 2019

Prayer in the application is for preponment of the hearing of the review application bearing No.97 of 2019.

For the reasons stated in the application, which is supported by an affidavit, the hearing of the review application is preponed to today.

CM stands allowed.

CM No.9781-C of 2019 & Review Application No.97 of 2019

Mr. C.B.Goel, learned counsel for the applicant-appellant submitted that there is delay of 50 days in filing of the review application. The delay is neither intentional or willful but owing to the bonafide mistake.

As far as the merit of the review application is concerned, he submitted that the judgment of this Court suffers from an error apparent on record, for, applicant-defendant No.1 was not a party to the civil suit for

injunction filed in the year 1979, where there is a finding regarding the nature of the property to be ancestral and, therefore, it would not have a binding effect on the applicant, a bonafide purchaser for consideration.

The aforementioned argument cannot be accepted for the simple reason that in the previous litigation, i.e., in civil suit No.316 of 1976, defendant and his brother Chander were the party, which was instituted against the sister and mother alleging the nature of the property as ancestral. A person cannot be permitted to volte-face as per his convenience. Findings of the previous judgment and decree have not been assailed. Neither any counter claim has been filed nor any independent proceedings have been taken. It is an attempt to re-agitate the issue which is not permitted.

Resultantly, the review application and as well as application seeking condonation of delay are dismissed.

November 05, 2019
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No