

**RA-CW-296-2018(O&M)
in CWP no. 9718 of 2009**

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

**RA-CW-296-2018(O&M)
in CWP no. 9718 of 2009
Date of Decision : 08.02.2019**

Vivek Coop. House Building Society Ltd.

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE ANIL KSHETARPAL**

Present : Mr.Ankur Mittal, Addl. AG, Haryana for the applicant(s)

MAHESH GROVER, J.(ORAL)

Writ Court decided the matter on 16.9.2016 whereafter it was carried in SLP before the Hon'ble Supreme Court where a prayer for withdrawing the same was made with liberty to file a review application, which was granted by the Hon'ble Supreme Court as also was the liberty to approach the Hon'ble Supreme Court once again, if the necessity so arose. This order was passed on 9.10.2017 and the review application has been preferred after almost a year thereafter i.e in September, 2018. No explanation worth the name has been given in the application under Section 5 of the Limitation Act accompanying the review application that would persuade us to condone the inordinate delay of 697 days in approaching the Court by way of a review application. Indeed the Hon'ble Supreme Court granted liberty to file a review application but it does not imply that it can be preferred merrily at any time at the discretion of the review applicant. It is now candidly conceded before us that a default has been at the hands of

the officers.

We are of the opinion that this can hardly be construed to be a good ground to condone the delay, particularly when the review applicant is alive to the controversy and had thought it fit to impugn the orders of the writ Court before the Hon'ble Supreme Court. There should thus have been some alertness to avail a remedy that was graciously granted by the Hon'ble Supreme Court. Hence, dismissed on ground of delay.

Further on previous occasion also, a review application was filed seeking to recall the judgment dated 16.9.2016 which was dismissed by the Division Bench by a detailed order dated 22.9.2017.

(Mahesh Grover)
Judge

08.02.2019
rekha
Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No

(Anil Kshetarpal)
Judge