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C.M.P.No.16915 of 2016
in
Review Application S.R.No.27088 of 2015
in
S.A.No.2125 of 2004
and
Crl.O.P.(MD) No.5723 of 2004

G.K.ILANTHIRAIYAN.J.,

This petition has been filed to condone the delay of 304 days in paying the deficit Court fee of Rs.1201/- in the Review Application Sr.No.27088 of 2015.

2. The respondents filed a suit in O.S.No.57 of 1996 for declaration, declaring that the Will dated 29.06.1995 registered on 04.07.1995 as document No.72 of 1995 on the file of the Joint Sub Registrar of Rajapalayam, is true, valid, genuine and binding on the petitioner herein and also consequential permanent injunction.

3. The said suit was dismissed by the judgement dated 22.07.2003. Aggrieved by the same, the respondent preferred an appeal suit in A.S.No.24 of 2003 on the file of the Additional District Judge, Fast

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Track -I, Erode. The said appeal was allowed and the suit filed by the respondent was decreed in her favour. Aggrieved by the same, the petitioner filed second appeal in S.A.No.2125 of 2004 before this Court. After several opportunities was given to the petitioner and finally, it was dismissed by the judgement and decree dated 20.10.2014 for non prosecution, with costs. Though this Court dismissed the second appeal for non prosecution, passed a detailed order with reasonings. Against the judgement and decree passed by this Court in S.A.No.2125 of 2004, the petitioner preferred a Special Leave Petition before the Hon'ble Supreme Court of India and the same was dismissed by an order dated 27.02.2015 in SLP (C) No.4504 of 2015. After dismissal of the Special Leave Petition, the petitioner filed this petition to review the order passed by this Court, in Review S.R.No.27088 of 2015 along with delay. It was returned and thereafter, it was represented with the delay condone petition. This Court allowed the petition to condone the delay in representing the Review Application in Review S.R.No.27088 of 2015. The petitioner also filed the present petition to condone the delay of 304 days in paying the Deficit Court Fee in the Review Application.

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4. The learned counsel for the petitioner submitted that the Review Application has been filed against the judgement and decree dated 20.10.2014 passed in S.A.No.2125 of 2004 on 30.03.2015. The said application has been filed with the Court fees of Rs.10/-, in stead of the entire Court fee of Rs.1211/-. Therefore, the Registry is returned the papers to comply with the defects marked thereon, including the payment of Deficit Court Fees of Rs.1201/-. It was happened only due to inadvertence of the counsel, who appeared on behalf of the petitioner. Further there was a delay on the part of the petitioner in securing the entire papers relating to the second appeal and upon collecting all the papers, the petitioner has complied with all the defects and represented the Review Petition and also with necessary Deficit Court Fee. Therefore, the delay caused neither wilful nor wanton, but due to the bonafide reasons as stated above.

5. Per contra, the learned counsel for the respondent filed counter and submitted that this Court dismissed the second appeal

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in S.A.No.2125 of 2004 on 20.10.2014. The petitioner preferred Special Leave Petition before the Hon'ble Supreme Court of India in SLP (C) No.4504 of 2015 and the same was also dismissed and confirmed the order dated 27.02.2015 passed by this Court. After dismissal of the Special Leave Petition by the Hon'ble Supreme Court of India, the petitioner filed the Review Petition before this Court with the delay of 110 days in presenting the Review Application. Thereafter, it was returned for some compliance and it was represented with the delay of 275 days in representing the Review Application. Further the petitioner did not pay the prescribed Court fee of Rs.1211/- on the date of filing of Review Application instead of paying Rs.1211/- the petitioner paid a sum of Rs.10/- as Court fee with Review Application. Therefore, the petitioner filed the present application to condone the delay of 304 days in payment of Deficit Court Fee of Rs.1201/-. The only reason stated in the affidavit accompanying the petition is, due to the inadvertence, her counsel had paid Rs.10/- instead of Rs.1211/- and no other reasons stated in the affidavit filed in support of the petition.

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6. He further submitted that the application filed under Section 149 of C.P.C. Though it gives details, the petitioner has to give valid explanation for the delay in payment of Court fee. Admittedly the petitioner did not state any convincing explanation, as to how she defaulted in paying the Court fees. Whether, after payment of Court fees to her counsel, the counsel failed to pay the Court fee or she did not pay the Court Fee to her counsel? it is a million dollar question.

7. He also submitted that the Review Application itself is not maintainable that too after dismissing the Special Leave Petition by the Hon'ble Supreme Court of India. If at all, the petitioner has grievance over the order passed by this Court, she can very well approach this Court for review without approaching the Hon'ble Supreme Court. Once she approached the Hon'ble Supreme Court of India by filing Special Leave Petition and the Hon'ble Supreme Court of India had gone through the case and dismissed the Special Leave Petition, therefore, the present review is nothing but reviewing the order passed by Hon'ble Supreme Court of India. Therefore, on merits also she has no case and as such, no

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parties would be served by allowing the petition to condone the delay in paying the Deficit Court Fee in the Review Application. He relied upon the several judgements in support of his contention as follows:

(i) 2011 (5) MLJ 241 (DB), in the case of **G.Irudayasamy Vs. Correspondent and Head Master, St.Joseph's College Hr. Sec. School, Trichu – 620 002 & others.**

(ii) 2012 (7) SCC 738, in the case of **A.Nawab John and others Vs. V.N.Subramaniyam.**

(iii) 2005 (5) CTC 401, in the case of **S.V.Arjunaraja Vs. P.Vasantha.**

8. Heard Ms.B.V.Sai Lakshmi, the learned counsel appearing for the petitioner and Mr.N.Manokaran, the learned counsel appearing for the respondent.

9. This petition has been filed to condone the delay of 304 days in filing the Review Application in Review S.R.No.27088 of 2015

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in S.A.No.2125 of 2004. The respondent herein filed a suit for declaration declaring that the Will dated 29.06.1995 registered as document No.72 of 1995 on the file of the Joint Sub Registrar of Rajapalayam is the last will and testament left behind by the petitioner's adoptive father J.K.K.Nataraja and that it is true, valid, genuine and binding on the defendant and for a consequently permanent injunction in respect of the suit property, on the file of the Sub-Ordinate Judge Court, Erode, it was dismissed by the judgement and decree dated 22.07.2003. The respondent preferred an appeal suit in A.S.No.24 of 2003 on the file of the Additional District Judge, Fast Track – I, Erode and the Appellate Court allowed the appeal and decreed the suit in favour of the respondent by judgement and decree dated 10.04.2004. Aggrieved by the same, the petitioner herein filed a second appeal before this Court in S.A.No.2125 of 2004. This Court dismissed the second appeal for non-prosecution by the judgement and decree dated 20.10.2014. Though, this Court dismissed the second appeal for non prosecution, has stated elaborate reasons for dismissal as follows:

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"53. After making reference to catena of cases, in Paragraphs 28 & 32, His Lordship has observed as under:

"28. In a democratic set up, intrinsic and embedded faith in the adjudicatory system is of seminal and pivotal concern. Delay gradually declines the citizenry faith in the system. It is the faith and faith alone that keeps the system alive. It provides oxygen constantly. Fragmentation of faith has the effect-potentiality to bring in a state of cataclysm where justice may become a casuality. A litigant expects a reasoned verdict from a temperate Judge but does not intend to and, rightly so, to guillotine much of time at the altar of reasons. Timely delivery of justice keeps the faith ingrained and establishes the sustained stability. Access to speedy justice is regarded as a human right which is deeply rooted in the foundational concept of democracy and such a right is not only the creation of law but also a natural right. This right can be fully ripened by the requisite commitment of all concerned with the system. It cannot be regarded as a facet of Utopianism

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because such a thought is likely to make the right a mirage losing the centrality of purpose. Therefore, whoever has a role to play in the justice dispensation system cannot be allowed to remotely conceive of a casual approach.

32. Coming to the proceedings before the High Court from the date of presentation of the second appeal till the date of admission, the manner in which it has progressed is not only perplexing but also shocking. We are inclined to think that the Court should not have shown indulgence of such magnitude by adjourning the matter when the counsel for the appellant was not present. It is difficult to envision why the Court directed fresh notice to the appellant when there was nothing suggestive for passing of such an order. The matter should have been dealt with taking a recourse to the provisions in the Code of Civil Procedure. It is also astonishing that the lawyers sought adjournments in a routine manner and the Court also acceded to such prayers. When the matter stood dismissed, though an Application for restoration was filed,

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yet it was listed after a long lapse of time. Adding to the misery, the concerned official took his own time to put the file in order. From the Registrar General's communication it is perceptible that some disciplinary action has been initiated against the erring official. That is another matter and we do not intend to say anything in that regard. But the fact that cannot be brushed aside is that there is enormous delay in dealing with the case. Had timely effort been made and due concern bestowed, it could have been avoided. There may be cases where delay may be unavoidable. We do not intend to give illustrations, for facts in the said cases shall speak for themselves."

59. In the result, this second appeal is dismissed for non-prosecution with the cost of the respondent. Consequently, connected miscellaneous petitions are also dismissed."

10. It is also reported in ***2015 (1) CTC 502***, in the case of ***N.Dhanalakshmi vs. K.Senthamarai***, as against the judgement and

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decree passed by this Court in S.A.No.2125 of 2004, the petitioner filed a Special Leave Petition before the Hon'ble Supreme Court in SLP (C) No.4504 of 2015. The Hon'ble Supreme Court dismissed the Special Leave Petition, by an order dated 27.02.2015. The Hon'ble Supreme Court observed that no ground for interference is made out in exercise of our jurisdiction under Article 136 of the Constitution of India. The Special Leave Petition is accordingly dismissed. After dismissal of the Special Leave Petition by the Hon'ble Supreme Court of India, again the petitioner filed Review Application before this Court along with the delay of 110 days in filing the Review Application. After filing the Review Application, it was returned for some compliance. Thereafter, the petitioner represented the Review Application along with the delay of 275 days in representation. However, this Court allowed to represent the Review Application. But the petitioner failed to pay the requisite Court Fee of Rs.1211/- in the Review Application. Therefore, the petitioner come forwarded with this present application to condone the delay of 310 days in paying the deficit Court fees of Rs.1201/- in the Review Application.

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11. The learned counsel appearing for the respondent vehemently contended that when the application filed under Section 149 of C.P.C., the petitioner has to give valid reason for the delay in payment of Court Fee. In this regard, it is relevant to extract the provision under Section 149 of C.P.C., as follows:

Section 149: Power to make up deficiency of court fees:

> *"Where the whole or any part of any fees prescribed for any document by the law for the time being in force relating to the court fees has not been paid, the Court may, in its discretion, at any stage, allow the person, by whom such fee is payable, to party the whole of part, as the case may be, of such court fee and upon such payment the document in respect of which such fee is payable, shall have the same force and effect as if such fee has been paid in the first instance."*

12. Accordingly, the Court may in its discretion, at any stage, allow the person, to pay the deficit Court fees. As rightly pointed out by the learned counsel for the respondent, the petitioner must state valid reason for the delay in payment of Deficit Court Fee. According to

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the petitioner, due to inadvertence of her counsel, the correct Court fees has not been paid. On perusal of the Review Application, the petitioner paid a sum of Rs.10/- instead of Rs.1211/-. Normally to save the limitation, the counsels use to affix ten rupees stamp and file some scrap papers in the section. Whereas, the review petition itself filed with delay of 110 days in filing the Review Application, against the order passed by this Court in S.A.No.2125 of 2004 dated 20.10.2014. Therefore, the reason stated by the petitioner is not sufficient and it is not believable one.

13. In this regard, the learned counsel for the respondent cited the judgement in the case of ***A.Nawab John and others Vs. V.N.Subramaniyam*** reported in ***2012 (7) SCC 738 (Para Nos.44 & 46)***, *wherein it is held as follows:*

> "**44.** It is well settled that the judicial discretion is required to be exercised in accordance with the settled principles of law. It must not be exercised in a manner to confer an unfair advantage on one of the parties to the litigation. In a case where the plaint is filed within the period of limitation prescribed by law but with deficit court

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fee and the plaintiff seeks to make good the deficit of the court fee beyond the period of limitation, the court, though has discretion under Section 149 CPC, must scrutinise the explanation offered for the delayed payment of the deficit court fee carefully because exercise of such discretion would certainly have some bearing on the rights and obligations of the defendants or persons claiming through the defendants. (The case on hand is a classic example of such a situation.) It necessarily follows from the above that Section 149 CPC does not confer an absolute right in favour of a plaintiff to pay the court fee as and when it pleases the plaintiff. It only enables a plaintiff to seek the indulgence of the court to permit the payment of court fee at a point of time later than the presentation of the plaint. The exercise of the discretion by the court is conditional upon the satisfaction of the court that the plaintiff offered a legally acceptable explanation for not paying the court fee within the period of limitation.

46. We do not see any reason to take a different view than that taken by the High Court. The discretion under Section 149 was not exercised by the trial court in accordance with the principles of law. The appeal is, therefore, required to be dismissed on that count alone. In view of such a conclusion, we do not think it necessary to examine the other questions raised by the second defendant."

14. He also relied upon the judgement in the case of

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S.V.Arjunaraja Vs. P.Vasantha reported in ***2005 (5) CTC 401 (Para Nos.21 to 25)*** wherein it is held as follows:

> ***21****. In the said decision, the Division Bench of this Court has considered the effect of non-payment of deficit Court Fees, within the period of limitation, as well as, how the extension of time should be given, if the deficit Court Fees has to be paid, after the period of limitation is over. Analysing the previous rulings, including the Full Bench decision of this Court in Gavaranga Sahu v. Botokrishna Patro and others, 1909 (32) ILR 305, relied on by the respondent/plaintiff, this Court has framed various guidelines and the relevant guidelines for the purpose of this case, are:*
>
> *"(1)…..*
>
> *(2)…..*
>
> *(3) Whenever a plaint is received, the same shall be verified and if found to be not in order, the same shall be returned at least on the third day (excluding the date of presentation so also the intervening holidays).(4) If the suit is presented on the last date of limitation affixing less Court Fees, than the one mentioned in the details of valuation in the plaint, an affidavit shall be filed by the plaintiff giving reasons for not paying the requisite Court Fees.*
>
> *(5) In such cases, the Court shall, before exercising its*

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discretion and granting time to pay the deficit Court Fees, order notice to the defendants and consider their objections, if any. However, such notice is not necessary in cases where the plaintiff has paid almost the entirety of the requisite Court Fees and the Court is satisfied on affidavit by the party that the mistake happened due to some bona fide reasons such as calculation mistake or the alike.

(6) The discretion referred to in Section 149 of Code of Civil Procedure is a judicial discretion and the same has to be exercised in accordance with the well established principles of law.

(7-A) In case where the plaint is presented well within the period of limitation with deficit Court Fees and the Court returns the plaint to rectify the defect giving some time (2 or 3 weeks), which also falls within the period of limitation, but the plaint is re-presented paying deficit Court Fees after the period of limitation, the Court is bound to hear the defendant, notwithstanding the fact that the plaintiff has paid substantial Court Fees (not almost entirety) at the first instance, before condoning the delay in paying the deficit Court Fees."

***22**. All the above guidelines in the case on hand were offended, not only by the plaintiff but also infringed*

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by the trial Court, without adopting the procedure prescribed. Further, Order 7, Rule 11, proviso of the CPC also not complied with. In this view, the payment of Court Fees, after the period of limitation is over, will come within the meaning of Order 7, Rule 11(c), as extracted by me supra. The subsequent grant of time, which is not in accordance with law, cannot be taken advantage of.

***23**. In Pamidimukkala Sitharamayya and others v. Ivaturi Ramayya and another, 1938 (1) MLJ 514, the Division Bench of this Court had an occasion to consider the language of Section 149, C.P.C. and payment of deficit Court Fees, after the application for extension of time having been dismissed, wherein it is held:*

"The language of Section 149, Civil Procedure Code, itself seems to imply that in the absence of an order granting time under the section, the presentation of the un-stamped or insufficiently stamped memorandum of appeal will not amount to a valid presentation."

Thus, indicating that absence of an order, granting time under Section 149, C.P.C., will not save the limitation, if deficit Court Fees has been paid, after the period of limitation, which is squarely applicable to the case on hand.

***24**. The Apex Court has considered, in Buta Singh*

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(Dead) by L.Rs. v. Union of India, AIR 1995 SC 1945, under what circumstances, Section 149 CPC could be taken into consideration for payment of Court Fees, wherein it is said:

"The aid of Section 149, could be taken only when the party was not able to pay Court Fees in circumstances beyond his control or under unavoidable circumstances and the Court would be justified in and appropriate case to exercise the discretionary power under Section 149 after giving due notice" to the affected party…."

On which basis also, this Court has already given guidelines, as indicated by me, in the Division Bench case Natarajan, K. v. P.K. Rajasekaran, 2003 (2) MLJ 305. The above dictum would indicate that it is incumbent upon the plaintiff, to invoke Section 149, C.P.C., cataloguing under what circumstances, he was unable to pay the Court Fees, then obtain an order, satisfying the Court for extension of time, which is also absent in our case.

***25**. The Andhra Pradesh High Court, while considering Section 149 and Order 7, Rule 11(d), proviso of C.P.C., in S.A. Khadeer v. G.V.R. Anjaneyulu, 2003 (4) CLJ 917, has come to the conclusion, 'if no reason is recorded by the trial Court for extension of time, cause of exceptional nature not being shown, the extension of time for payment of Court Fees is illegal and the same is liable to be set*

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aside'. In our case, no application has been filed, no extension has been granted either under Section 149 or under Order 7, Rule 11(d), C.P.C. Under the above circumstances, it should be held, that an the mechanical return of the plaint, which cannot be said that an order has been passed, extending the time for payment of Court Fees, would save the limitation, if the Court Fees is paid, after the period of limitation prescribed, is lapsed. In this case, admittedly, by the time, the sufficient Courtee has been paid by the plaintiff, the suit was out of time. Therefore, as rightly contended by the learned counsel for the revision petitioner/plaintiff, the case on hand squarely comes under Order 7, Rule 11(c), C.P.C. and therefore, the plaint should be rejected, as barred by limitation.

For the foregoing reasons, the revision deserves acceptance.

In the result, this Civil Revision Petition is allowed.

The numbering of the suit in O.S. No. 153 of 2003 by the Subordinate Judge, Srivilliouthur, is set aside, as time barred. Consequently, the trial Court is directed to struck-off the said suit from its file. No costs."

15. The Hon'ble Supreme Court of India held that the judicial discretion is required to be exercised in accordance with the

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settled principles of law. It must not be exercised in a manner to confer and unfair advantage of one of the parties to the litigation. Though this Court has discretion under Section 149 of C.P.C., must scrutinize the explanation offered for the delayed payment of deficit Court fee carefully because exercise of such discretion would certainly have some bearing on the rights and obligations of the respondents or the persons claiming through the respondents. As discussed above, the petitioner did not state any valid reason for delay in paying the deficit Court Fee. Therefore, provision under Section 149 of C.P.C., does not confer absolute right in favour of the petitioner to pay the Court fee as and when we pleases the petitioner.

16. Insofar as the Review Application is concerned, whether it is maintainable after dismissal of Special Leave Petition by the Hon'ble Supreme Court of India? The petitioner filed appeal in SLP (C) No.4504 of 2015 and the same was dismissed by an order dated 27.02.2015 after dismissal of Special Leave Petition, the present Review application has been filed that too along with delay of 110 days in

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pressing the same. In this regard, the learned counsel for the respondent relied upon judgement in the case of ***G.Irudayasamy Vs. Correspondent and Head Master, St.Joseph's College Hr. Sec. School, Trichy – 620 002 & others*** reported in ***2011 (5) MLJ 241 (DB), Para Nos.1,3,5 & 6)*** wherein held as follows:

> *"**1**.This Petition has been filed for condoning the delay of 121 days in filing the Review Application by the Petitioner against the Judgment passed by this Court in W.A. No. 1094 of 2009 dated 4.12.2009.*
>
> ***3**.Mr. Vijay Narayan, learned Senior Counsel for the 1st Respondent has raised preliminary objection regarding maintainability of the Review Application in the light of the Judgment of the Hon'ble Supreme Court reported in N. Meghmala v. G. Narasimha Reddy, 2010 (7) MLJ 693 (SC), Pointing out Paragraph-17, the learned Senior Counsel contended that the Petitioner has filed the Review Application with Condone Delay Petition after the dismissal of S.L.P. and therefore, the said Review Application is not maintainable.*
>
> ***5**.We have also gone through the Judgment of the*

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Hon'ble Supreme Court reported in N. Meghmala's case 2010 (7) MLJ 693, in detail. In Paragraphs-12 to 18, it is held as follows:

"12. In Abbai Maligai Partnership Firm v. K. Santhakumaran, AIR 1999 SC 1486 : 1998 (7) SCC 386 : 1999 (1) MLJ 18, a Three Judge Bench of this Court considered the issue afresh and held that filing of the Review Petition after dismissal of the Special Leave Petition by it against the self-same order amounted to an abuse of process of the Court and the entertainment of such a Review Application was in affront to its order and it was subversive of judicial discipline.

13. In Kunhayammed v. State of Kerala, AIR 2000 SC 2587 : 2000 (6) SCC 359 : 2000 Supp MLJ 77, a Three Judge Bench of this Court reconsidered the issue and all above referred judgments and came to the conclusion that dismissal of Special Leave Petition in limine by a non-speaking order may not be a bar for entertaining a Review Petition by the Court below for the reason that this Court may not be inclined to exercise its discretion under Article 136 of the Constitution. The declaration of law will be governed by Article 141 where the matter has been decided on merit by a speaking judgment. In that case, Doctrine of Merger would come into place and lay down the following principles:

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(i) Where an Appeal or Revision is provided against an order passed by a Court, Tribunal or any other authority before superior forum and such superior forum modifies, reverses of affirms the decision put in issue before it, the decision by the subordinate forum merges in the decision by the superior forum and it is the latter which subsists, remains operative and is capable of enforcement in the eye of law.

(ii) The jurisdiction conferred by Article 136 of the Constitution is divisible into two stages. The first stage is up to the disposal of prayer for special leave to file an Appeal. The second stage commences if and when the leave to Appeal is granted and the Special Leave Petition is converted into an Appeal.

(iii) Doctrine of Merger is not a doctrine of universal or unlimited application. It will depend on the nature of jurisdiction exercised by the superior forum and the content or subject-matter of challenge laid or capable of being laid shall be determinative of the applicability of merger. The superior jurisdiction should be capable of reversing, modifying or affirming the order put in issue before it. Under Article 136 of the Constitution the Supreme Court may reverse, modify or affirm the judgment-decree or order appealed against while exercising its Appellate jurisdiction and not while exercising the discretionary jurisdiction

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disposing of Petition for Special Leave to Appeal. The Doctrine of Merge can therefore be applied to the former and not to the later.

(iv) An order refusing Special Leave to Appeal may be a non-speaking order or a speaking one. In either case, it does not attract the Doctrine of Merger. An order refusing Special Leave to Appeal does not stand substituted in place of the order under challenge. All that it means is that the Court was not inclined to exercise its discretion so as to allow the Appeal being filed.

(v) If the order refusing leave to Appeal is a speaking order, i.e. gives reasons for refusing the grant of leave, then the order has two implications. Firstly, the statement of law contained in the order is a declaration of law by the Supreme Court within the meaning of Article 141 of the Constitution. Secondly, other than the declaration of law, whatever is stated in the order are the findings recorded by the Supreme Court which would bind the parties thereto and also the Court, Tribunal or Authority in any proceedings subsequent thereto by way of judicial discipline, the Supreme Court being the Apex Court of the country. But, this does not amount to saying that the order of the Court, Tribunal or Authority below has stood merged in the order of the Supreme Court rejecting the Special Leave Petition or

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that the order of the Supreme Court is the only order binding as res judicata in subsequent proceedings between the parties."

17. The Hon'ble Division Bench of this Court categorically held that in a case a person files a Review Petition before filing the Special Leave Petition before this Court and it remains pending till the Special Leave Petition stands dismissed, the Review Petition deserves to be considered. In case, it is filed subsequently, the process amounts to abuse of process of Court.

18. When the petitioner could not achieve directly, he is not permissible to achieve indirectly. When the petitioner filed a petition before the Hon'ble Supreme Court of India, then he is not permissible to approach this Court once again by way of review application. In this regard, he also relied upon the judgement of the Hon'ble Supreme Court of India in the case of ***Santlal Gupta and others Vs. Modern Cooperative Group Housing Society Limited and others*** reported in ***(2010) 13 SCC 336*** and the Hon'ble Supreme Court of India held as

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follows:

> "It is settled proposition of law that what cannot be done directly, is not permissible to be done obliquely, meaning thereby, whatever is prohibited by law to be done, cannot legally be effected by an indirect and circuitous contrivance on the principle of *"qunado aliquid prohibetur, prohibetur et omne per quod devenitur ad illud"*. An authority cannot be permitted to evade a law by "shift or contrivance". (See Jagir Singh v. Ranbir Singh and M.C.Mehta v. Kamal Nath.)"

19. The above judgement also squarely applies to the case on hand, since the petitioner already approached the Hon'ble Supreme Court of India in SLP (C) No.4504 of 2015 and after dismissal of the same, the petitioner approached this Court by way of the present Review Application. Therefore, whatever is prohibited by law to be done, cannot legally be effected by an indirect and circuitous contrivance on the principle of "*quando aliquid prohibetur, prohibetur et omne quod devenitur ad illud*".

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20. In view of the above discussion, this Court is not inclined to entertain the petition to condone the delay of 304 days in filing the application and the same is dismissed as devoid of merits.

20.**02.2020**

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