

CM-256-LPA-2021 and
CM-257-LPA-2021 in/and
LPA-112-2021 (O&M)
Date of Decision: 8.2.2021

Sumit

.....Appellant

Versus

Union of India and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Heman Aggarwal, Advocate, for the appellant.

AJAY TEWARI, J. (ORAL)

CM-256-LPA-2021

This is an application for condonation of delay of 654 days in filing the appeal. It is mentioned therein that the applicant had filed CWP-15561-2016, which was dismissed on 21.12.2017. However, another writ petition was filed in the next year i.e. CWP-2594-2017, which came to be decided on 26.3.2019 and it was after the decision of that case that applicant filed a review application in this decided writ petition. That review application has been dismissed both on the ground of delay and merits.

Learned counsel for the applicant has argued that the second case was similar to the present case and therefore, in the interest of justice, this Court should interfere in the matter.

We are not inclined to accept this argument for the simple reason that after the writ petition of the applicant was dismissed on 21.12.2017, he took no action till the decision of another case after almost 1 year and 4 months. Even thereafter, it has to be noticed that the review

application was filed on 20.8.2019 i.e. almost 5 months after the decision of CWP-2594-2017. No explanation has been given as to why the applicant had to wait for five months to file the review application even after the decision of writ petition, on which he is placing reliance.

In these circumstances, the application for condonation of delay is dismissed.

CM-257-LPA-2021

For the reasons mentioned in the application, the delay of 408 days in the refiling the appeal is condoned.

CM stands disposed of.

LPA-112-2021

In view of the dismissal of the application for condonation of delay in filing the instant appeal, the same is also dismissed.

(AJAY TEWARI)
JUDGE

(RAJESH BHARDWAJ)
JUDGE

8.2.2021
sharmila

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No