

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

**CM-9347-CII-2022 in/and
RA-CR-66-2022 in
CR-3385-2019
Date of Decision : 08.12.2022**

Tilak Raj

....Applicant

VERSUS

Patrani (now deceased) through LR

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Parunjeet Singh, Advocate for the applicant.

Mr. Bikramjit Singh Randhawa, Advocate for the respondent.

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ALKA SARIN, J. (Oral)

On 21.04.2022 the following order was passed :

“The following order was passed on 18.02.2022 :

“After arguing at length, when the Court was inclined to dismiss the present petition, the counsel for the petitioner has submitted that now he has received instructions from the petitioner not to press the petition qua the merits of the case and he restricts the present petition for grant of some time to vacate the shop in question.

The counsel for the respondent has also submitted that the petitioner can be granted some reasonable time, subject to his clearing the arrears of the rent and continuation of paying the rent at the rate determined by

the Rent Controller during the period of stay in the property.

Adjourned to 04.03.2022 so as to enable the counsel for the petitioner to get instructions as to what reasonable time the petitioner needs to vacate the shop in question.

Interim order to continue, till the next date of hearing only.”

The matter was adjourned to 04.03.2022 to enable the counsel for the petitioner to get instructions as to what reasonable time the petitioner needs to vacate the shop in question. Thereafter, on 04.03.2022, the matter was adjourned to 01.08.2022 as Court time was over. The matter was preponed on an application for preponing the date moved by the landlord-respondent. The matter has been taken up today in the urgent list.

Learned counsel for the petitioner states that he has been trying to contact his client, however, there is no response from the client and he has no instructions in this regard.

In view of the above, the Court is left with no other option but to dismiss the present petition as not pressed.

The petition is accordingly dismissed as not pressed.”

Learned counsel for the applicant would contend that there were no instructions given by the petitioner to the earlier counsel and that the order dated 21.04.2022 be reviewed and the matter be considered on merits.

Heard.

The present application has been filed for review of the order dated 21.04.2022 on the ground that no such instructions were given by the petitioner to the counsel. It is apt to note that the present application for review has been filed by a counsel who was neither the filing counsel nor the arguing counsel. The sequence of events have been detailed in the order dated 21.04.2022. On 18.02.2022, after arguing for some time and when the Court was not inclined to entertain the petition, the counsel for the petitioner stated that he had received instructions not to press the petition qua merits and that he would restrict the petition for grant of time to vacate the shop. The case was thereafter adjourned to enable the counsel to get instructions. However, despite two dates having been given, the counsel for the petitioner was unable to contact his client and pleaded no instructions in the matter. The case was thereafter, therefore, dismissed as not pressed. A perusal of the order sought to be reviewed reveals that the revision petition was not pressed on merits and the counsel for the petitioner sought time to vacate the premises and thereafter he pleaded no instructions. The Hon'ble Supreme Court of India has repeatedly deprecated the conduct of parties of changing counsel and filing review petitions. Support qua the same can be drawn from the judgment of Hon'ble Supreme Court in the case of **Om**

Parkash Vs. Suresh Kumar [2020 (13) SCC 188] and Tamil Nadu Electricity Board & Anr. Vs. N. Raju Reddiar & Anr. [1997 (9) SCC 736].

Learned counsel for the applicant has not been able to show how the present application is maintainable in view of the fact that he was neither the filing counsel nor the arguing counsel and nor present in Court on the date the said order was passed. The present application is nothing but an endeavour to re-agitate and re-argue the matter, which cannot be permitted in law. Besides, the application has been filed beyond limitation as there is a delay of 67 days in filing the review application for which there is no cogent reason forthcoming for condoning the delay.

In view of the above, the review application is dismissed on merits as well as on delay. Pending applications, if any, also stand disposed off.

December 08, 2022
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO