

COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM-2209 to 2211-LPA-2022
in/and RA-LP-29-2022 in
LPA-448-2016
Decided on :16.12.2022**

State of Haryana & others

.....Review-applicant/appellant(s)
Versus

Jagmal Singh & others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MRS.JUSTICE MANJARI NEHRU KAUL**

Present: Mr.Hitesh Pandit, Addl.A.G, Haryana
for the review-applicant/appellants.

G.S. Sandhawalia, J. (Oral)

The present review application has been filed by the State against the order dated 17.01.2019 which is barred by 628 days of delay which is sought to be condoned.

The order which is sought to be reviewed was not on merits but on account of the lapse of the State since there was delay of 2162 days in filing the appeal. Resultantly, the appeal was dismissed as time-barred, keeping in view the law laid down by the Apex Court while noticing the factual aspect which was also subject matter of consideration before the learned Single Judge.

A perusal of the application now filed for condoning the delay would go on to show that the present set of proceedings suffer from the same ailment in as much as there is no sufficient cause made out for the delay in filing the review application. Apparently, after the decision of the order which is sought to be reviewed, opinion was taken from the office of the Advocate General, Haryana who opined on 06.03.2019 that it was not fit case for filing SLP. Same was intimated to the Addl.Chief

Secretary to Haryana vide letter dated 20.03.2019. As per the averments,

the file was never moved thereafter promptly due to the non-availability of the concerned dealing and the explanation now given is that thereafter, there was Covid-19 lockdown and filing was done in October, 2022.

A further perusal of para No.6 would go on to show that apparently the successful writ petitioner filed COCP-122-2011 in which status report was sought. It is thus apparent that the present review petition has been filed to ensure that there is further delay to the implementation of the order passed by the learned Single Judge way back on 18.03.2010. No sufficient cause has been shown from 06.03.2019 till March, 2020 when there was no Covid-19 pandemic as to what action was taken by the State. It is thus apparent that the State has missed the bus not once but twice in prosecuting the present litigation. In such circumstances, the argument raised by Mr.Pandit that similar matters are pending before the Co-ordinate Bench would be of no help to him. The matter will always be examined on merits as and when proceedings which will come up and the issue has not been decided on merits in the order under review.

In such circumstances, we do not find any ground to entertain the present review petition on the ground that it is patently barred by delay and laches and the same is hereby dismissed.

**(G.S. SANDHAWALIA)
JUDGE**

16.12.2022
sailesh

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned :	Yes/No
Whether Reportable :	Yes/No