

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

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CM Nos.16752, 16753-CWP of 2019
in RA-CW No.442 of 2019 in CWP No.4420 of 2019

Date of Decision: April 7th, 2022

Rajeshwar and others

...Applicants/Petitioners

Versus

Director, Land Records, Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Vivek Salathia, Advocate
for the applicants-petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM No.16752-CWP of 2019

Prayer in this application is for condonation of delay of 138 days in filing the accompanying Review Application.

The reason which has been assigned for the delay is that the applicant was procuring the *shajra nasab* (family tree) (Annexure A-2) of the parties. This plea of the applicant-petitioner cannot be accepted as it is not the case of the applicant that the said document was not available at all on record or could not have been procured by him earlier when the proceedings were pending before the authorities or before this Court.

In the light of the above, we do not find any ground for accepting the prayer for condonation of delay in filing the Review Application and, therefore, dismiss the same on this ground.

RA-CW No.442 of 2019

As far as the Review Application is concerned, the same is based upon a document which was neither produced before the revenue authorities

nor before the Bench, when the case was taken note of. The applicant-petitioner had not exercised its due diligence and had rather slept over the matter and has come up with a new plea altogether based upon a document which could have been procured by the applicant during the proceedings before the authorities as well as this Court. Having failed to do so, taking recourse to the said document which was not even available before the revenue authorities and the Court when the case was taken up for consideration and decided, cannot be permitted as a ground for reviewing an order which has been passed on the basis of the pleadings and the available record. The said plea in the Review Application also, therefore, cannot be accepted. The application is, therefore, dismissed.

CM No.16753-CWP of 2019

In the light of the dismissal of the application for condonation of delay as also the Review Application, the present application is disposed of as infructuous.

(AUGUSTINE GEORGE MASIH)
JUDGE

April 7th, 2022
Puneet

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No