

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1803 OF 2023

Adv. Narendrakumar R. Parashar__ Vs. __Ratanlal Anandilal Sharma

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Petitioner in person

CORAM : AVINASH G. GHAROTE, J.
DATE : 28/03/2023

1] Heard the petitioner in person. The petition challenges the order dated 29.9.2021, by which the application for review of the order dated 14.12.1999 has been dismissed.

2] It is contended that since Section 22 of the Limitation Act would be applicable, the application for review, even though it was filed after more than 20 years, would be maintainable as there was a continuous cause of action.

3] I am afraid, I am unable to accept this contention for the reason that Section 22 of the Limitation Act would apply to original suits and not to an application for review.

4] The facts in the instant matter indicate that the petitioner herein was the defendant in

RCS No. 52/1995 (Ratanlal Sharma vrs. Naranedra Kumar), which was a suit for perpetual injunction and recovery of damages of Rs.24,700/-, which came to be decreed vide judgment and decree dated 15.01.1997, by which, apart from decreeing the claim for damages, the petitioner herein was permanently restrained from publishing, circulating any printed material and/or disseminating anything even by verbal mode, calculating to harm the reputation of the plaintiff in the eyes of society at large (pg. 59). Since this decree was exparte, an application for setting aside the same was filed vide M.J.C. No.9 of 1997, in which on 14.12.1999, a joint pursis came to be filed (pg. 73) which indicates that a sum of Rs. 36,345/- stood paid by the judgment-debtor to the decree holder and the judgment debtor/present petitioner undertakes to abide by the directions as contained in the judgment dated 15.1.1997. The learned trial Court by his order dated 14.12.99 was pleased to dismiss the M.J.C. No. 9/1997 as withdrawn, in light of the said pursis. An application for review of the order dated 14.12.1999 has been filed on 12.1.2021, which is obviously more than 20 years beyond time. In that view of the matter, I do not see any reason to interfere in the impugned order dated 29.9.2021,

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whereby the same has been rejected. The petition is therefore dismissed. No costs.

JUDGE

Rvjalit