

**CM-7502-CWP-2023 &
CM-7503-CWP-2023 &
CM-7504-CWP-2023 in/&
RA-CW-152-2023 in
CWP-8814-2022**

Amit Sehgal
vs.
State of Haryana and others

Present:- Mr. Lekh Raj Nandal, Advocate for the applicant-respondent.

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CM-7502-CWP-2023

The present application has been filed for condonation of delay of 15 days in filing the present review application.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed. Delay of 15 days in filing the present review application is condoned.

CM-7503-CWP-2023

The present application has been filed for condonation of delay of 04 days in re-filing the present review application.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed. Delay of 04 days in re-filing the present review application is condoned.

CM-7504-CWP-2023

Present application has been filed for placing on record Annexure R-3/1 to R-3/13.

Application is allowed. Annexure R-3/1 to R-3/13 are taken on record subject to all just exceptions.

At the outset, learned counsel for the review-applicant very fairly concedes the fact that documents on the basis of which, review petition has been filed were not part of the record of the writ petition hence, there is no question of relying upon those documents at the time when the writ petition was heard does not arise.

Learned counsel for the review-applicant submits that LPA filed against the judgment was withdrawn with liberty to file a review petition.

Though, learned counsel for the review-applicant has conceded the facts stated hereinbefore but from the order passed by the Division Bench of this Court in LPA No.1128-2022 on 24.01.2023, it transpires that the Division Bench was given impression that documents being relied upon by the appellant in LPA to challenge the judgment were part of the writ proceedings and were relied upon during the hearing. It would have been appropriate for the review-applicant to admit before the Division Bench itself that the documents being relied upon in the LPA were not part of the writ petition and no such argument was raised by placing reliance upon those documents rather than withdrawing the LPA so as to file review petition.

On being asked as to whether in the facts and circumstances of the present case, review petition will be maintainable to review a judgment by relying upon the documents, which were not part of the writ proceedings, learned counsel for the review-applicant concedes that that jurisdiction in review is limited and no review will be maintainable by placing reliance upon the documents which were not part of the writ petition. It may be noticed that documents in question are also not part of the writ petition as of

now hence, question of placing reliance upon those documents even otherwise is not maintainable.

Further it is a settled principle of law that review petition can only be filed by the counsel who had argued the writ petition. Learned counsel appearing for the review-applicant concedes the fact that he did not argue the writ petition at the time when the same was heard and decided. Hence, question of maintainability of the review petition on this account needs to be decided as per the settled principle of law settled by the Hon'ble Supreme Court of India in I.A. No.03 of 1996 in Civil Appeal No.7496 of 1996 titled as T.N. Electricity Board and another vs. N. Raju Reddiar and another decided on 20.12.1996. The above mentioned settled principle of law has also been relied upon in C.A. No.833-834 of 2020 titled as Om Prakash vs. Suresh Kumar decided on 30.01.2020. Keeping in view the settled principle of law even this review filed in the present case is not maintainable.

Keeping in view the fact that learned counsel for the review-applicant has conceded in his argument that there is no valid ground with the review-applicant to file the present review petition before this Court and is also not maintainable keeping in view the settled principle of law mentioned hereinbefore. no ground is made out to review the order in question and the review petition is accordingly dismissed.

May 03, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE