

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

**CM-2202-LPA-2022 in/and RA-LPA-25-2022 in LPA-751-2021
CM-2252-LPA-2022 in/and RA-LPA-32-2022 in LPA-835-2021
CM-2201-LPA-2022 in/and RA-LPA-24-2022 in LPA-892-2021
CM-2251-LPA-2022 in/and RA-LPA-31-2022 in LPA-992-2021
CM-2200-LPA-2022 in/and RA-LPA-23-2022 in LPA-993-2021
CM-2204-LPA-2022 in/and RA-LPA-27-2022 in LPA-1049-2021
CM-2203-LPA-2022 in/and RA-LPA-26-2022 in LPA-26-2022
CM-2206-LPA-2022 in/and RA-LPA-28-2022 in LPA-104-2022
RA-LP-33-2022 in LPA-1113-2021
RA-LP-34-2022 in LPA-704-2021
DECIDED ON: 18.08.2023**

RAJINDER KUMAR

.....APPLICANT/APELLANT

VERSUS

THE UNION OF INDIA AND OTHERS

.....RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

**Present: Ms. Supriya Garg, Advocate
for the applicant-appellant.**

**Mr. Arun Gosain, Senior Standing Counsel assisted by
Ms. Swati Arora, Advocate
for the respondent-Union of India.**

SANDEEP MOUDGIL, J

**CM-2202-LPA-2022 in/and RA-LPA-25-2022,
CM-2252-LPA-2022 in/and RA-LPA-32-2022,
CM-2201-LPA-2022 in/and RA-LPA-24-2022,
CM-2251-LPA-2022 in/and RA-LPA-31-2022,
CM-2200-LPA-2022 in/and RA-LPA-23-2022,
CM-2204-LPA-2022 in/and RA-LPA-27-2022,
CM-2203-LPA-2022 in/and RA-LPA-26-2022 and
CM-2206-LPA-2022 in/and RA-LPA-28-2022**

**1. The present applications under Section 5 of the Limitation Act
came up before this Court seeking condonation of delay in filing the instant**

applications for review of the judgment dated 08.07.2022.

2. Considering the averments made in the applications that the applicants are aged/senior citizens and are uneducated and rustic villagers, who were not aware about the intricacies of period of limitation in filing the review applications, though, do not sound convincing to this Court but in the interest of justice, lenient view is taken.

3. Applications are therefore, allowed and stand disposed of accordingly.

RA-LPA-25-2022 and other connected cases

1. Vide this common order, this Court intends to dispose of all the aforementioned applications, as common question of law and facts are involved in all the applications.

2. To avoid any repetition, the facts are being taken from RA-LPA-25-2022.

3. Jurisdiction of this Court is sought to be invoked to review its own order dated 08.07.2022, under Order 47 Rule 1 read with Section 114 CPC.

4. During the course of hearing, Ms. Supriya Garg, Advocate for the applicant could not controvert the fact that all these aspects raised in the present application were duly argued before the LPA Bench earlier as well as at the time when the main appeal was dismissed primarily on the ground of inordinate delay in its filing which was 200 days. The applicant had failed to bring on record any sufficient cause for condonation of the same and this fact has specifically been recorded in the order dated 08.07.2022. Para 6 of the said order reads as under:-

“The explanation which has been given in the applications is totally unjustified. Applicant - appellants should have been vigilant enough and enquired about the fate of their case time to time. It appears that the applicant - appellants, after filing the writ petition, have simply forgotten about the same and had not taken interest in their own cases which they had filed. There being no justifiable explanation for the inordinate delay of more than 200 days in filing the appeal, no ground is made out for accepting these applications for condonation of delay. The applications, thus, deserve dismissal and as a consequence thereof, the appeals being time barred need to be dismissed as such.”

5. Even the submissions made at that time relating to the facts which are now being pressed as a ground to review the said order were duly raised and considered and only thereafter, on the ground of delay and laches as well as on merits, the Letters Patent Appeal was dismissed vide order dated 08.07.2022.

6. Neither any fresh ground has been raised seeking review of the order dated 08.07.2022 nor is there any change in circumstance. The applicants/appellants have also failed to establish any new fact or proposition of law which has not been considered before the LPA Bench earlier.

7. Having examined the submissions and perusing the pleadings, we are fully convinced that there is no error apparent on the face of the record which needs to be corrected. To review its own order, this Court also has to bear in mind that review is by no means an appeal in disguise whereby an erroneous decision is to be reheard but lies only in cases of a

patent error which is also the dictum of Apex Court in its judgment titled as
“Parsion Devi versus Sumitri Devi’ 1997 (4) R.C.R. (Civil) 458”

8. We therefore, do not find any such ground available in the instant review petition to entertain the same and to reexamine the Letters Patent Appeal all over again.

9. Hence, the review application stands dismissed.

10. A photocopy of this order be placed on the files of other connected cases.

(SANDEEP MOUDGIL)
JUDGE

(DEEPAK SIBAL)
JUDGE

18.08.2023
Poonam negi

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>