RA-RS-23 of 2024 in
RSA No.3776 of 2008

Reserved on: 20.05.2025
Date of Decision:02.06.2025

Ram Lal (since deceased) through his LRs
vs.
Balwant Singh and others

Present: Mr. D.V.Sharma, Sr. Advocate, with
Mr. Amit Kumar Jain, Advocate
for the review-applicant-appellant

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1. The applicant-appellant seeks review of the judgement passed by this Court on 02.11.2018. Along with the review application, an application for condoning the delay of 1310 days in filing the review application has also been filed.

2. While deciding two Regular Second Appeals, a Civil Revision and a contempt petition (COCP), by a common order, this court upheld the concurrent findings of fact arrived at by the courts below while dismissing the suit filed by the appellant and decreeing the suit filed by the respondent-Man Singh. In essence, the relief sought by the applicant-appellant was of a declaration to the effect that the ex-parte judgment and decree passed on 23.10.1985, is not binding on him.

3. The suit was filed on 12.02.1994. The trial Court, the First Appellate Court and this Court concurrently dismissed the suit filed by the applicant-appellant. The Special Leave Petition preferred by the applicant-appellant was also dismissed on 12.02.2024. It is thereafter, that the present review application has been filed accompanied by an application for permission to lead additional evidence.

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4. This Bench has heard the learned senior counsel representing the applicant-appellant.

5. It is submitted by learned senior counsel representing the applicant-appellant that this court has erred in observing that an evacuee property is required to be notified while relying on Ordinance No.XII and the subsequent amendment to the Administration of Evacuee Property Act, 1950. He submits that all the properties which vested in the department under the Ordinance were deemed to be vested in the Government and did not require separate notification.

6. This court has considered the submissions advanced by the learned senior counsel representing the applicant-appellant.

7. However, it is pertinent to note that the appeal filed by the appellant was dismissed not merely on the ground of non-issuance of notification declaring the property as evacuee property. This court has also held that the property was never proved to be a custodian property and a fraud was played by the applicant-appellant. Furthermore, the suit was filed by the plaintiff after a period of 9 years from the previous judgment and decree was passed which was filed beyond the prescribed period of limitation. Moreover, the scope of interference in review application is extremely limited and the judgment can be re-called only when there is a manifest error apparent or where the attention of the court has not been drawn to a fact or legal provision.

8. The applicant-appellant has also filed an application for permission to lead additional evidence in order to produce documents Annexures A-5 to A-7. Annexure A-5, is copy of the plaint filed by Ram

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Lal against his brothers for partition and possession of the suit property and Annexure A-6, is a copy of the written statement filed by Mange Ram, whereas Annexure A-7, is an order passed by Naib Tehsildar, Rehabilitation Department. It is evident that these documents were in the knowledge of the applicant-appellant at the time of original proceedings and no effort was made by the applicant-appellant to produce the same at the relevant time.

9. Hence, the applicant-appellant has failed to make out a case for permission to lead additional evidence.

10. The review application has been found without merit, hence, no separate order on the application for condonation of delay is required to be passed.

11. Consequently, the review application is dismissed.

(ANIL KSHETARPAL)
JUDGE

02nd June, 2025
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