

Fixed

16.12.99

39

R.A. No. 114/98

O.A. No. 1645/97

Present:

Counsel for applicant: Mrs. Meera Chhibber

Counsel for Respondents: Shri V.K. Rao

After hearing the submissions made by both sides on R.A. No. No. 114/98 for some time we are satisfied that the impugned order dated 21.4.98 in O.A. No. 1645/97 contains certain factual errors. For instance in Paragraph 5 of the aforesaid order it has been stated that a charge sheet has been filed against applicant in the appropriate court but it is not disputed by Shri Rao that no charge sheet has been filed against applicant at least till the date of respondents' reply and according to Mrs. Chhibber no charge sheet has been filed even till today. Certain other averments have also been made by applicant's counsel in the R.A. with respect to the aforesaid order dated 21.4.98 which have not been denied by Respondents in their reply.

2. Under the circumstances we are satisfied that there are errors apparent on the face of the order dated 21.4.98 in O.A. No. 1645/97 and the R.A. comes within the purview of Section 22(3) (f) read with Order 47 Rule 1 C.P.C. and thus warrants review of the aforesaid order. The R.A. is therefore allowed and the order dated 21.4.98 is recalled.

15

3. The R.A. is, therefore, allowed the order dated 21.4.98 is recalled.

4. List the O.A. for hearing afresh on 18.1.2000.

(Mrs. Lakshmi Swaminathan)  
M (J)

/GK/

(S.R. Adige)  
VC (A)