

RA 363/1994 in OA 1598/1993

New Delhi, this 24th day of April, 1995

Hon'ble Shri P.T.Thiruvengadam, Member(A)

Union of India, through

1. Secretary
M/Communications, New Delhi
2. The Chief Postmaster General
Delhi Circle, New Delhi
3. The Estate Officer
o/o The Chief Postmaster General
Meghdoot Bhawan, New Delhi .. Applicants

By Shri Madhav Panickar, Advocate

versus

1. Shri Kanwar Pal Panwar, s/o Shri Radhey Shyam
2. Shri Radhey Shyam, s/o Shri Ram Dass
Postal Qr.D-100, Moti Bagh, New Delhi .. Respondents

By Shri Sant Lal, Advocate

ORDER (oral)

This review application is filed against the order passed on 10.2.94 in OA 1598/93.

2. The application is opposed on two grounds, namely on limitation and on non-fulfillment of the requirement of order 47, Rule 1 CPC.

3. Regarding limitation, it is correctly argued that the order passed on 10.2.94 is sought to be reviewed by filing the RA only on 4.7.94. On this, the learned counsel for the applicant referred to the MA filed for condonation of delay in filing the RA. On perusal of the MA, I note that there is no satisfactory explanation for inaction. For the period from 28.2.94 when the copy of the order is stated to have been received, till 26.4.94, the explanation is that there was change in the Standing Counsel and the brief was marked to the new counsel only on 26.4.94. Even granting this, there is no satisfactory explanation on the follow up from 26.4.94

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and 4.7.94, the date on which the RA had been registered with the registry. A review application is to be filed within 30 days and if there is no satisfactory explanation for the delay, the application is liable to be rejected on limitation. Hence, this review application deserves to be dismissed.

2. Even on merits, the review application has not advanced any ground relating to mistake or error apparent in the order passed. The only ground advanced is that the factual position is now being presented and if these facts are taken into account, a different order may get passed. However, there is absolutely no explanation as to why such facts were not produced earlier. This is not a case of discovery of new and important matter or evidence which, despite due diligence was not within the knowledge of the person seeking the review. On a perusal of the order sheets in the OA, I note that the applicants had not filed their reply in spite of several opportunities. After issue of notice on 17.8.93, the respondents had taken time to file reply but even when the case came up on 10.2.94, they had not chosen to file reply. There is no convincing explanation as to why the facts sought to be produced now could not be produced earlier. Thus, even on this ground, the RA is liable to be dismissed.

3. In the circumstances, the RA is dismissed. No costs.

P. T. Thiruvengadam

(P.T.Thiruvengadam)
Member(A)

/tvg/

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