

R.A. No. 159/94
MA.. No. 1311/92
OA No. 356/91

23

5.5.1994

Present: Shri Shanker Raju, Counsel for the applicant
Ex-constable Anang Pal Singh filed O.A. No.356/91
decided by the order dated 22.5.1992 upholding the order
of dismissal against the applicant dated 2.5.1990. The
applicant preferred a Review Application No. 199/92
making certain averments regarding errors apparent on the
face of the judgement dismissing the original application
That R.A. was dismissed after hearing the applicant on
5.6.1992. Thereafter the present R.A. was filed on
15.4.1994 with Misc. Application No. 1311/94 praying for
condonation for delay. The contention of the learned
counsel is that there are certain developments after
the order of dismissal was passed and in view of this
he could not bring these facts while pursuing the earlier
R.A.No. 199/92. He therefore filed this R.A. to review
the judgement passed in O.A. No. 22.5/.1992. We have
gone through the M.A. for condonation of delay. Irrespective
of the maintainability of the second R.A. we do not find
any ground in this R.A. for entertaining this second R.A.
almost after about two years. The M.A. No. 1311/94 does
not make any substantial or reasonable cause which prevented
the applicant to pursue the matter even for 2nd review
within time. Normally the time is one month from the
receipt of the order and if the contention of the learned
counsel is accepted without reservation the second R.A.
can be preferred only one month after the decision of
the R.A. of 5.6.1992. Thus, this M.A. is dismissed
having no reasonable and substantial cause for condoning
delay.

....contd.

(1)

(2)

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Regarding the maintainability of the 2nd R.A. Order 47 Rule 9 specifically laid down that no review will lie against the judgement passed in review. The learned counsel however supports his contention by referring to a fact that he can very well come for second review of the original judgement i.e. the judgement passed in O.A. No. 356/91 of 22.5.1992 and in this connection he has referred to a precedent of Lahore High Court but he is not having any journal to support the facts or the ratio of that case. He is referring that case from the digest and therefore we cannot make out any substance out of that.

We, therefore, find that this second R.A. is not maintainable so also the M.A. hence dismissed.

B
(B.K. Singh)
Member (A)

J. Sharma
(J.P. Sharma)
Member (J)

Mittal