

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

**CMP(M) No. 25 of 2015 in
R.P. No. _____ of 2015**

Decided on: 28th February, 2015

Smt. Sona Devi

.....Petitioner

Versus

Jarmej Singh and others.

...Respondents.

Coram

The Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge.

Whether approved for reporting?¹ No.

For the petitioner:

**Mr. G.D. Verma, Senior Advocate
with Mr. B.C. Verma, Advocate.**

For the respondents:

Nemo.

Dharam Chand Chaudhary, Judge. (Oral)

CMP(M) No. 25 of 2015 in R.P No. _____ of 15

The delay of a period over one month, as occurred in filing the review petition has been sought to be condoned on the grounds that the applicant-review petitioner is an old and ailing lady and she did not receive the intimation sent to her by learned counsel through post, well in time.

¹ Whether the reporters of Local Papers may be allowed to see the judgment? Yes.

2. The applicant-review petitioner was appellant in RSA No. 470/02. She having suffered decree in the trial Court and also learned lower appellate Court had preferred the above said appeal in this Court, which stands decided on merits vide judgment dated 23rd September, 2014, sought to be reviewed in the main petition.

3. The grounds aforesaid taken in this application for condonation of delay are not supported by the material such as the date when learned counsel sent the intimation to the applicant-review petitioner through post qua the decision of the appeal and also the ailment from which she is suffering. Therefore, to set the machinery into motion on such grounds, which on the face of the record are not supported by required pleadings and documentary proof would result in great hardship including financial to the poor respondents.

4. Otherwise on merits also, this Court has decided the appeal on appreciation of the oral as well as documentary evidence produced by the parties on both sides in the trial Court. The concurrent findings

recorded by both Courts below in the matter also weighed with this Court while dismissing the appeal vide judgment sought to be reviewed. As a matter of fact, the applicant-review petitioner has made an effort to treat the review petition an appeal in disguise so that she is re-heard by this Court and the decision as she want rendered. The review of the judgment passed in the appeal is not legally permissible. Therefore, even on merits also, I do not find any reason to interfere with the well considered judgment sought to be reviewed. There is neither any mistake nor error apparent on the face of record warranting the review of the judgment in question. As a matter of fact, the grounds raised in the review petition disclose that the applicant-review petitioner want to appreciate the evidence in a particular manner so that the decision otherwise could be rendered, which again is not legally permissible nor such grounds disclose any material error manifest on the face of the judgment, undermining its soundness or resulting into miscarriage of justice. The principles laid down in **Kamlesh Verma** Versus **Mayawati and others**,

(2013) 8 SCC 320; and Akhilesh Yadav Versus Vishwanath

Chaturvedi and others, (2013) 2 SCC 1 also support the above observations of this Court. This application, therefore, being devoid of merit is dismissed.

5. Consequently, the review petition, which is time barred and find no substance even on merits is also dismissed.

February 28, 2015
(naveen)

(Dharam Chand Chaudhary)
Judge