

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.**

**CMP(M) No. 1912 of 2016 in Review Petition No.62 of 2017.**  
**Decided on: 31<sup>st</sup> October, 2018.**

**State of H.P. & Others** .....**petitioners.**

Versus

**Ashok Kumar Gupta & Others** .....**Respondents.**

*Coram*

***The Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge.  
Whether approved for reporting?*<sup>1</sup> No.**

**For the petitioners** : **Mr. Yudhvir Singh Thakur &  
Mr. Kunal Thakur, Dy. A.Gs.**

**For the respondents** : **Mr. Dilip Sharma, Senior  
Advocate with Ms. Shikha  
Rajta, Advocate for  
respondent No.1.**

**Mr. Rajiv Jiwan, Advocate for  
respondents No.2 & 3.**

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**Dharam Chand Chaudhary, J. (oral).**

The delay of four years and 17 days as occurred in filing the review petition with a prayer to review the judgment and decree dated 31.05.2012 passed by this Court in CWP No 4667 of 2009 has been sought to be condoned. The explanation as set out in the application is bureaucratic style of functioning in the Government Offices as the matter

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

allegedly remained pending for consideration before various authorities in the administrative department for seeking approval from August, 2012 onward. The approval was finally conveyed vide letter dated 1.12.2015 and thereafter the review petition prepared and sent to the office of learned Advocate General in the month of August, 2016. The delay as occurred, therefore, stated to be neither intentional nor deliberate and as such has been sought to be condoned.

2. It is seen that the explanation as forthcoming is neither plausible nor reasonable and also not warrant the condonation of delay as occurred in filing the review petition, which is inordinate. On the expiry of the period of limitation prescribed under Law for filing the petition, a valuable right has accrued in favour of the opposite party, which cannot be taken away that too when sufficient cause has not been shown.

3. Otherwise also, no ground for review of the judgment and decree passed on 31<sup>st</sup> May, 2012, is made out nor is there any error apparent on the face of the record. Being so, this application is dismissed. Consequently, the review petition, being time barred, is also dismissed. Pending application(s), if any, shall also stand disposed of.

**(Dharam Chand Chaudhary)**  
October 31, 2018 (ps) **Judge.**