

Shanti Devi vs State Of Haryana And Ors. on 7 April, 1999

Equivalent citations: JT1999(10)SC285, 2000(1)KLT697(SC), (1999)5SCC703, AIRONLINE 1999 SC 488

Bench: Chief Justice, S.B. Majmudar

Order Dr. A.S. Anand, C.J.I.

1. We have seen the office report dated 17-3-1999. The defects pointed out therein are not removed. The delay of 761 days is not sufficiently explained. Hence this review petition is liable to be dismissed on that ground alone.

2. However, we have gone through the review petition and the grounds urged therein. The contention that the judgment sought to be reviewed was overruled in another case subsequently is no ground for reviewing the said decision. Explanation to Order XLVII Rule 1 of the CPC clearly rules out such type of review proceedings. Explanation to Order XLVII Rule 1 reads as under:

The fact that the decision on a question of law on which the judgment of the court is based has been reversed or modified by the subsequent decision of a superior court in any other case, shall not be a ground for the review of such judgment." The same provisions by analogy usefully apply to the present proceedings.

3. Hence, even on merits the review petition is liable to fail.

4. The review petition is, therefore, dismissed both on the ground of unexplained inordinate delay as well as on merits.