
(2020) 02 PAT CK 0118

In the Patna High Court

Case No : Civil Review No. 534 Of 2018, First Appeal No. 207 Of 2012,
Interlocutory Application No. 1 Of 2019

Awadhesh Singh

APPELLANT

Vs

Ramashray Singh And Ors

RESPONDENT

Date of Decision : 03-02-2020

Acts Referred:

Citation : (2020) 02 PAT CK 0118

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Amarnath Singh, Bibhuti Narayan, Ashok Kumar

Final Decision : Dismissed

Judgement

Heard learned counsel for the petitioner.

2. The present Interlocutory Application has been filed seeking condonation of delay of 1 year, 2 months and 27 days in filing of Civil Review No. 534 of 2018.

3. The Civil Review application has been filed seeking review of the judgment and order dated 02.08.2017 passed in First Appeal No. 207 of 2012 by the petitioner, which was dismissed.

4. The ground taken in the Interlocutory Application seeking condonation of delay is that the judgment and order dated 02.08.2017 was not in the knowledge of the petitioner and only when he contacted his lawyer on 10.11.2018 he came to be aware of it and accordingly review has been filed.

5. For meeting the ends of justice, the Court has also heard learned counsel for the petitioner on merits.

6. Basically, the stand taken on behalf of the petitioner is that Partition Suit No. 1 of 2019 filed by him had been dismissed due to which he had filed First Appeal No. 207 of 2012 before this Court and the same has also been dismissed on the ground that a compromise has been filed by the petitioner in the partition suit

which was binding on him.

7. Learned counsel submitted that once the suit itself had been dismissed, any pleading would not have binding effect on the petitioner.

8. The Court finds such contention to be erroneous.

9. If any person has taken a stand before a court of law, irrespective of what is the result of the proceeding, at least as far as that person is concerned, he cannot be allowed to resile from such stand. If the same is allowed to be done, it will be a mockery of the due process of law and would also be a good dilatory tool in the hands of an unscrupulous litigant. Once a person has taken a stand before a court of law, on record, at least with regard to his position, he has to be held accountable and cannot be allowed to change such stand in any subsequent proceeding before any other Court or authority.

10. Thus, from an overall perspective, both on account of no justifiable reason having been shown for delay in filing of the Civil Review application after 1 year, 2 months and 27 days and also taking into account the main ground in the Civil Review application, the Court does not find any merit in either of the same.

11. Accordingly, Interlocutory Application No. 1 of 2019 stands dismissed.

12. As a consequence, Civil Review No. 534 of 2018 also stands dismissed, both on the ground of limitation as well as on merits.