
(2016) 06 SHI CK 0111
In the High Court Of Himachal Pradesh
Case No : CMP (M) No. 1613 of 2015.

H.P. State Electricity Board Ltd. - Petitioner @HASH Dharam Pal Dwivedi

Date of Decision : 23-06-2016

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 114

Citation : (2016) 4 HimLR 2168 : (2016) ILRHP 2144

Hon'ble Judges : Mansoor Ahmad Mir, CJ. and Dharam Chand Chaudhary, J.

Bench : Division Bench

Advocate : Mr. Vinay Kuthiala, Senior Advocate with Mr. Raj Pal Thakur, Advocate, for the Petitioner; Mr. Bimal Gupta, Senior Advocate with Ms. Kusum Chaudhary, Advocate, for the Respondent

Final Decision : Dismissed

Judgement

Mr. Mansoor Ahmad Mir, C.J.(Oral) - Heard. We have gone through the limitation petition as well as the review petition.

2. The review petition is not maintainable and merits to be dismissed.

3. We deem it proper to condone the delay in filing the review petition. Accordingly CMP (M) No. 1613/2015 is allowed and the delay in filing the review petition is condoned. The application is disposed of.

4. The Review Petition is taken on Board. Registry to diarize the same.

5. It is apt to record herein that in order to seek review, the review petitioners have to satisfy the mandate of Section 114 of the Civil Procedure Code (for short "CPC") read with Order 47 CPC, as has been held by this Court in Review Petition No. 56 of 2014, titled as Ranjeet Khanna v. Chiragu Deen and another, decided on 8th August, 2014; Review Petition No. 65 of 2015, titled as Union of India & others v. Paras Ram, decided on 25th June, 2015; Review Petition No. 115 of 2015, titled as Surjeet Kumar and others v. State of H.P. and others, decided on 16th March, 2016; Review Petition No. 20 of 2016, titled as Onkar Singh v. Executive Engineer, HPSEB Ltd. and another, decided on 12th May, 2016; Review Petition No. 54 of 2015, titled as State of Himachal Pradesh and others v. Sh.

Jitender Kumar Mahindroo (since deceased) through LRs, decided on 12th May, 2016 and Review Petition No. 116 of 2015 titled as The State of Himachal Pradesh and another v. Smt. Ramesh and another, decided on 14.06.2016.

6. We have gone through the judgment under review. The order/judgment was passed with the consent of the learned Counsel for the writ respondent/review petitioner. It is apt to reproduce para-1 of the judgment under review herein:-

"Mr. Raj Pal Thakur, learned Counsel appearing on behalf the Board, stated at the Bar that in terms of the directions of this Court, they have sought instructions and the Board has agreed to pay the arrears for three years prior to the date of presentation of the writ petitions and has also agreed to pay the pension as per the revised pension/rates prevalent. Learned Counsel for the petitioner(s) have no objection to the same. Their statements are taken on record."

7. Thus, there is no error apparent on the face of the record.

8. Having said so, no case for review is made out. Accordingly, the review petition is dismissed.