

(2014) 05 UK CK 0048

In the Uttarakhand High Court

Case No : CLMA No. 10508/12 and MCC No. 766 of 2012 in WPSS No. 37016 of 2000 (New No. 2372/2001)

Kishan Kumar Pandey

APPELLANT

Vs

State and Others

RESPONDENT

Date of Decision : 29-05-2014

Acts Referred:

Citation : (2014) 05 UK CK 0048

Hon'ble Judges : V.K. Bist, J

Bench : Single Bench

Advocate : Manav Sharma, Advocate for the Appellant; Syed Nadeem, Standing Counsel for the State, Mr. Rahul Consul, Advocate for the Respondent No. 2 and Mr. P.R. Mullick, Advocate for the Respondent No. 3, Advocate for the Respondent

Final Decision : Allowed

Judgement

V.K. Bist, J.—Heard.

2. These applications have been moved on behalf of respondent No. 3. There is 53 days delay in filing the review application. Though, the review applicant No. 3 was impleaded, but no counter affidavit was filed on behalf of the review applicant/respondent No. 3. Even counsel for the review applicant did not appear when the case was heard finally. Now Mr. P.R. Mullick, Advocate is appearing for the applicant and intends to argue the case on merits. This cannot be permitted. The case cannot be heard on its merits or reopened, after it is decided on merits, on the ground that the counsel for the applicant was not present on the date when the matter was finally heard on merits. No sufficient grounds have been disclosed for the delay in filing review application. Apart from this, I do not find any error apparent on the face of record.

3. The delay condonation application is rejected. Consequently, the review application (MCC No. 766/12) stands dismissed.

4. By way of application (CLMA No. 13867/12), the respondent No. 2 is praying

for condonation of delay in filing the recall application on the ground that now State Industrial Development Corporation (SIDCUL) has stepped into shoes of U.P. State Textile Corporation Limited and liabilities whatsoever, is upon the SIDCUL, therefore the order dated 5th July, 2012 passed by this Court should be modified accordingly. No sufficient reason has been disclosed for the delay in filing the application.

5. Since the petition has finally been decided on merits, such prayer cannot be allowed.

6. The delay condonation application, thus, is rejected. Consequently, the recall application (MCC No. 1004/12) is also dismissed.