
(1999) 04 SC CK 0119

In the Supreme Court Of India

Case No : Review Petition (C) No. ... of 1999 (RPD No. 1249 of 1999) in Civil Appeal No. 14608 of 1996

Shanti Devi

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 07-04-1999

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 47 Rule 1

Citation : (1999) 10 JT 285 : (2000) 1 KLT 697 : (1999) 5 SCC 703

Hon'ble Judges : A. S. Anand, C.J.; S. B. Majmudar, J

Bench : Division Bench

Final Decision : Allowed

Judgement

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.