

(2010) 12 UK CK 0209

In the Uttarakhand High Court

Case No : Review Application No. 1010 of 2010 in Special Appeal No. 16 of 2008

State of Uttarakhand and others

APPELLANT

Vs

Vishnu Singh Rautela

RESPONDENT

Date of Decision : 03-12-2010

Acts Referred:

Citation : (2011) 1 UC 37

Hon'ble Judges : Barin Ghosh, C.J.;V.K. Bist, J

Bench : Division Bench

Advocate : Mr. K.P. Upadhyaya, Addl. Chief Standing Counsel Govt. of Uttarakhand, for the Appellant; Mr. C.D. Bahuguna, for the Respondent

Final Decision : Allowed

Judgement

Hon"ble Barin Ghosh, C.J.—Delay Condonation Application No. 10007 of 2010

Learned Counsel for the Respondent / opposite party is not objecting to the state merits made in the application for condonation of delay in preferring the review application giving reasons for the delay. We have also considered the averments made therein and finding that the reasons for the delay as furnished being sufficient, we allow the application for condonation of delay.

Review Application No. 1010 of 2010

By consent of the parties, we have taken up the review application for hearing.

2. It appears that the order under review was passed following a judgment rendered by a Division Bench in another Special Appeal. As recorded in the judgment under review, the Learned Counsel for the Appellants accepted that the earlier Division Bench judgment squarely applied to the facts and circumstances, of the appeal, which was disposed of by the judgment under review. In the present review application, it is being contended that the earlier Division Bench judgment did not apply to the facts and circumstances of the Special Appeal, disposed of by the judgment under review.

3. That may be so, but whether a particular judgment applies to the facts and circumstances under consideration, being a pure question of law, a Learned Counsel engaged by litigant to assist the Court, could take a fair stand in relation thereto and once such a stand had been taken, the same Lawyer or another Lawyer subsequently being of the opinion that the stand thus taken may not be appropriate, cannot file a review. On that ground, we reject the review application.