

(2014) 05 SHI CK 0125
In the High Court Of Himachal Pradesh
Case No : Review Petition No. 50/2014

Vidaya Devi and Others

APPELLANT

Vs

State of Himachal Pradesh

RESPONDENT

Date of Decision : 13-05-2014

Acts Referred:

Citation : (2014) 05 SHI CK 0125

Hon'ble Judges : Sanjay Karol, J; Dharam Chand Chaudhary, J

Bench : Division Bench

Advocate : Ramakant Sharma, Advocate for the Appellant; B.S. Parmar and Mr. Ashok Chaudhary, Additional Advocates General, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Sanjay Karol, J.

CMP(M) No. 565/2014

1. For the reasons set out in the application, delay of 145 days in filing the petition, which in our considered view has sufficiently been explained, is condoned. Petition be registered. Application stands disposed of.

Review Petition No. 50/2014

2. The judgment in question is based on the decision rendered by the Full Bench of this Court reported in Shankar Dass and another Vs. State of Himachal Pradesh & connected matter. At the time of decision dated 20.12.2013 passed in CWP No. 1356/2010, titled as Onkar Singh and others vs. State of H.P. and others, decision rendered by the Full Bench was not brought to the notice of this Court. Noticeably, judgment in Onkar Singh (supra) is based on the earlier judgment delivered by Single Bench of this Court, delivered in the year 2007 in CWP No. 1192 of 2004, titled as Anakh Singh & others vs. State of H.P. & others.

3. We do not find any reason to interfere with the well considered judgment rendered by a Division Bench. In our considered view, there is neither any

mistake nor error apparent on the face of record or sufficient reason so as to take in its sweep, a ground analogous to those specified in the statutory provisions. There is no material error, manifest on the face of the order, undermining its soundness or resulting into miscarriage of justice. Review is not an appeal in disguise entitling the party to be reheard, simply because the party wants a decision to be otherwise.

4. Keeping in view the principles laid down in Kamlesh Verma Vs. Mayawati and Others, ; and Akhilesh Yadav Vs. Vishwanath Chaturvedi and Others, , present petition, being devoid of merit, is dismissed. Pending application(s), if any, also stand disposed of.