

**2023 STPL(WEB) 14 SC
SUPREME COURT OF INDIA**

(B.V. NAGARATHNA AND MANOJ MISRA, JJ.)

UNION OF INDIA AND ANOTHER

Appellant

VERSUS

DEVIKA KALPESHKUMAR CHAUHAN

Respondent

Civil Appeal Nos. 3732-3733 of 2019-Decided on 22-06-2023

Limitation – Dismissal of review on ground of delay of one year in filing – Rightly dismissed

Cases Referred

Office of the Chief Post Master General and Ors. vs. Living Media India Ltd. & Anr., AIR 2012 SC 1506

Advocate(s): Mr. Rajan Kumar Chourasia, Advocate, Mr. Vinayak Sharma, Advocate, Mr. Gurmeet Singh Makker, Advocate, for the Appellant.

ORDER

1. These appeals assail the order dated 10.07.2015 passed by the Division Bench of the High Court of Gujarat in Miscellaneous Civil Application No. 1905/2015 and dated 30.10.2012 in Special Civil Application No. 1620/2006. By the said order dated 10.07.2015, the High Court has recorded that despite liberty being granted by this Court by its order dated 24.02.2014 passed in SLP(Civil) No. 6241/2014, there has been a delay in filing the Review Petition for almost one year as the Review Petition was filed before the High Court on 19.03.2015. Hence, by referring to the judgment of this Court in the case of Office of the Chief Post Master General and Ors. vs. Living Media India Ltd. & Anr., AIR 2012 SC 1506 and particularly paragraphs 12 and 13 therein, the Review Petition has been dismissed.

2. We have heard learned counsel, Shri Rajan Kumar Chourasia for the appellants, who submitted that although there may have been a delay in filing the Review Petition pursuant to the liberty granted by this Court the fact remains that the High Court has dismissed the Review Petition only on the aspect of delay without taking into consideration the merits of the matter inasmuch as, had the merits been considered, the High Court may have condoned the delay and admitted the case for consideration of the Review Petition on merits. In this regard, he drew our attention to the order of this Court in SLP(Civil) No. 6241/2014, dated 24.02.2014 and submitted that this is a fit case where this Court ought to interfere and set aside the impugned order(s) and permit the appellants to pursue their Review Petition before the High Court.

3. The Respondent is served and is not represented.

4. We have considered the submissions of the learned counsel for the appellants in light of the earlier order of this Court, dated 24.02.2014 passed in SLP(Civil) No. 6241/2014 and the impugned order of the High Court. No doubt, on 24.02.2014 this Court permitted the appellants herein to withdraw the said special leave petition with liberty to file a Review Petition so as to seek a clarification of the earlier order of the High Court dated 30.10.2012 passed in Special Civil Application No. 1620/2006. Thereafter, the appellants herein filed the Review Petition. However, it was filed only on 19.03.2015

which is almost a year after liberty being given by this Court to the appellants herein. The High Court has, therefore, while considering that there was a total delay of 868 days in preferring the petition for review of the order dated 30.10.2012 has ultimately taken note of the liberty granted by this Court vide its order dated 24.02.2014 in permitting the appellants herein to withdraw the special leave petition in order to prefer a Review Petition. Having sought the said liberty, the appellants nevertheless delayed in preferring the Review Petition inasmuch as it was filed nearly a year after the liberty being granted by this Court on 24.02.2014. There being no explanation for the long delay in filing the same nor any sufficient cause being shown, the said Review Petition was dismissed on the ground of delay. We do not find any infirmity in the order of the High Court, dated 10.07.2015.

5. Consequently, these appeals are dismissed.
