

ITEM NO.2 Court 6 (Video Conferencing) SECTION XVI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

IA 43861/2020, 43862/2020, in SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 35493/2019

(Arising out of impugned final judgment and order dated 29-03-2019 in CR No. 238/2016 passed by the High Court Of Judicature At Patna)

ANITA DEVI & ANR. Petitioner(s)

VERSUS

SANJAY KUMAR & ORS. Respondent(s)

IA No. 43861/2020 - CONDONATION OF DELAY IN FILING

IA No. 43862/2020 - EXEMPTION FROM FILING O.T.)

Date : 13-08-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Rajesh Pathak, Adv.
Mr. Sanjeet Trivedi, Adv.
Kumari Rashmi Rani, Adv.
Ms. Rashi Jaiswal, Adv.
Mr. Vipin Kumar Jai, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Delay Condoned.

The impugned order was passed in a review application filed by the petitioners with a delay of 56 years and 6 days.

The Learned Judge had noticed that when the judgment was passed in the First Appeal at no point of time any objection was raised that respondent therein had passed away.

The submission was sought to be made after 56 years. The application was accordingly dismissed as was the application for condonation of delay.

Now the second round has begun by filing the SLP against the said order. We must point out that in any case, an SLP would not lie against only a review order in view of the judgment of this Court in *Municipal Corporation of India vs. Yashwant Singh Negi*, (2013) SCC online 308. Apart from this also, one can find no error apparent after 50 years for the Court to exercise the jurisdiction of review.

We find the present proceeding filed before this Court as also before the High Court is an abuse of process of law and complete wastage of judicial time. Looking the allegation that the petitioners are not apparently well to do, we dismiss the special leave petition with only costs of Rs. 5000/- to be deposited with the Supreme Court Advocates on Record Welfare Fund within four weeks, and restrain ourselves as otherwise the costs would have been much higher.

Pending application stands disposed of.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)