

Dheeraj Kumar Vs. Rambharos

Dheeraj Kumar Vs. Rambharos

SooperKanoon Citation : sooperkanoon.com/1050231

Court : Madhya Pradesh

Decided On : Jan-07-2013

Appellant : Dheeraj Kumar

Respondent : Rambharos

Advocate for Pet/Ap. : Shri. J.K.Verma

Judgement :

MCC No.1475/2012 (Dheeraj Kumar and another versus Rambharos and otheRs.07.01.2013 Shri J.K.Verma, learned counsel for the applicants.

Heard.

The applicants have filed this application seeking restoration of review petition No.515/12.

It is stated that the review petition No.515/12 was listed before this court on 22.8.2012 for default and this court had granted two weeks time to the counsel for the applicants to remove the default failing which the review petition would stand automatically dismissed without reference to the court.

It is stated that as the lawyers were abstaining from work, the counsel for the applicants could not note the fact of passing the peremptory order by this court as a result of which the review petition stood dismissed on lapse of two weeks from 22.8.2012 by virtue of the peremptory order and it is only when the counsel came

to knot about the dismissal of the application for review on account of the peremptory order that he filed an application seeking restoration of the review petition along with an application for condonation of delay.

It is stated that the counsel for the applicants came to knot for the fiRs.time on 30.11.2012 regarding the peremptory order and the dismissal of the application as a consequence thereof, therefore, he immediately moved this court by filing the application for restoration of review petition.

From a perusal of the application it is evident that the counsel for the applicants knew about the fact that the case was listed before this court on 22.08.2012 and inspite of the fact that the case was listed before this court the counsel for the applicants has not furnished any explanation as to why he did not make any effort to find out what order was passed by this court on 22.08.2012.

In fact there is no explanation as to why the applicants did not take any step to find out the order passed by the court on 22.8.2012 or the reason as to why the case was not listed thereafter.

In view of the aforesaid, I find no reason or substantial ground or acceptable explanation for condoning the delay in filing the application for restoration of the review petition.

Consequently, I.A.No.14440/12 for condonation of delay as well as application for restoration both stand dismissed.

(R.S.Jha) Judge msp

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com