

Dr. Manohar Sende Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Sep-13-2012

Appellant : Dr. Manohar Sende

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Jitendra Arya

Judgement :

R.P.No.548 o

13. 09.2012 Shri Jitendra Arya, learned counsel for the petitioners.Smt.

Sharada Dubey, learned PL for the respondents.

Heard on the question of admission.

(1) The petitioners have filed this review petition to review the order dated 7.5.2012 passed in W.P.No.6909/2012 (s) whereby the same was disposed of with some directions to the respondents - authorities to consider the representations of the petitioners.(2) As per averments of it, the aforesaid earlier petition due to typographical error and oversight was filed by stating some wrong description regarding particulars of the petitioners and by way of review the petitioners.counsel wants permission to correct such description on the cause title of W.P.No.6909/2012 (s).(3) I am of the considered view that on allowing the aforesaid prayer, then the aforesaid order dated 7.5.2012 shall also require fresh

consideration because the same was passed taking into consideration the description of the petitioners stated in such writ petition.

In any case mentioning the wrong description in the writ petition by the petitioners themselves could not be treated to be an apparent error on the face of record and pursuant to it, the same could not be reviewed by entertaining this petition.

In such premises, on making some query from the petitioners.counsel, on which he prayed that in the interest of justice by invoking the mercy jurisdiction of this court, by recalling the aforesaid order dated 7.5.2012 petitioners be permitted to withdraw aforesaid writ petition with liberty to file fresh petition with correct description.

(4) Learned PL did not have any objection in disposing of this review petition by allowing the aforesaid prayer of the petitioners.counsel.

(5) On consideration in the aforesaid premises, it is held that this review petition being devoid of any merits could not be entertained to examine the merits permitting the petitioners to correct the description of the petitioners in the aforesaid writ petition.

However, in the available circumstances, considering the oral prayer of the counsel the aforesaid order dated 7.5.2012 passed in W.P.No.6909/2012 (s) is hereby recalled and such petition is dismissed as withdrawn.

Simultaneously the petitioners are also extended a liberty to file fresh petition with correct description of the petitioners.Let a copy of this order be placed with W.P.No.6909/2012 (s) also.

C c as per rules.

(U.C.Maheshwari) Judge bks

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