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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RA-LP-11-2024 in LPA-392-2014
Date of Decision: 11th of March, 2025

VIJAY KUMAR KAPUR

.....Appellant(s)

V/s.

STATE OF HARYANA AND ANOTHER

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MS. JUSTICE KIRTI SINGH

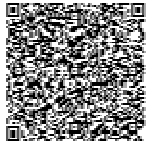
Present: Mr. Sandeep Panwar, Advocate,
for the Review Applicant-appellant.

Mr. Vivek Chauhan, Addl. A.G, Haryana,
for the respondents.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. This Review Application has been preferred seeking review of order dated 10.08.2015 passed by this Court in the LPA-392-2014 filed against order dated 20.01.2014 passed by the learned Single Bench in CWP-13987-2013.

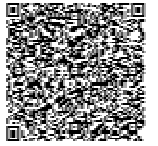
2. The present Review Application is purportedly filed on account of the observations made by the learned Single Bench where the review applicant had initially moved an application i.e. RA-CW-117-2024 in CWP-13987-2013, seeking review in terms of the order dated 13.03.2024 passed by the Hon'ble Supreme in *Civil Appeal No. 1554 of 2016* titled as **Vijay Kumar Kapur Vs. The State of Haryana and Another** Court, but the learned Single Bench vide its order dated 18.04.2024, dismissed the review application as not maintainable with observations that the review-applicant had only remedy to approach the Division Bench.



3. The legality of the order dated 18.04.2024 passed by the learned Single Bench in RA-CW-117-2024 in CWP-13987-2013 is not before us. However, so far as the present Review Application is concerned, we find ourselves in a situation where the orders passed by the Hon'ble Supreme Court dated 13.03.2024 would become otiose if the order of the learned Single Bench dated 18.04.2024 is allowed to stand. While it is apparent that the Supreme Court intended that the learned Single Bench should examine the case in review similar to the earlier order dated 24.03.2017 passed in a similar review application bearing No. RA-CW-146-2014 in CWP-15794-2013, but the learned Single Bench is of the view that the judgment passed by the learned Single Bench dated 20.01.2014 having been upheld by the Division Bench in its judgment dated 10.08.2015, has merged and therefore, review would not lie.

4. While the view taken by the learned Single Bench to the extent of merger is concerned, is partially correct, we find that the order passed by this Court on 10.08.2015 was taken up in SLP before the Supreme Court and the same was admitted in Civil Appeal No.1554 of 2016 and the Supreme Court thereafter passed the following order on 13.03.2024. :-

“Heard learned counsel for the parties at length, during hearing, the order dated 24.03.2017 passed by the High Court of Punjab and Haryana in review (RA-CW-146 of 2014 in Civil Writ Petition No.15794 of 2013) has been brought to our notice and the appellant’s counsel prays for



withdrawal of this Civil appeal with liberty to apply for review before the same Court.

The prayer made is not opposed by the other side.

Accordingly, this Civil Appeal stands dismissed as withdrawn with the liberty as prayed.

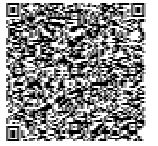
However, we make it clear that the appellant may apply for condonation of delay under Section 14 of the Limitation Act, 1963, at the time of filing review.”

5. Thus, order dated 10.08.2015 would be treated to have merged in the order passed by the Supreme Court and thus, the only remedy available with the Review Applicant was to file Review Application before the learned Single Bench and he was required to examine the Review Application on merits.

6. Once the words used in the order passed by the Supreme Court is “to apply for review before the same Court”, the same Court would be the Court of the learned Single Bench where the earlier review application was decided as noticed in the order dated 13.03.2024 of the Supreme Court.

7. We therefore, set aside the order dated 18.04.2024 and request the learned Single Bench to hear the Review Application in terms of the judgment passed by the Supreme Court dated 13.03.2024 on merits.

8. The Registry is directed to revive the Review Application bearing No. RA-CW-117-2024 in CWP-13987-2013 and place the same before the learned Single Bench having the concerned roster.



9. In view of the aforesaid observations, the present Review Application is **disposed of**.

10. All pending applications in this case are disposed of accordingly.

**[SANJEEV PRAKASH SHARMA]
JUDGE**

**[KIRTI SINGH]
JUDGE**

March 11, 2025

Ess Kay

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>