

ARMED FORCES TRIBUNAL
REGIONAL BENCH
GUWAHATI
(Through Video-conferencing)

44.

RA-02/2021 with MA-04/2021

Smt Shashima Kalita

Versus

Union of India & Ors.

..... Applicant

..... Respondents

For the Applicant

: Mr. MJ Quadir, Mr K Mira

For the Respondents

: Ms. Dipanjali Bora

CORAM:

HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT GEN P.M. HARIZ, MEMBER (A)

ORDER
27.04.2022

This is an application for review of the order dated 14.12.2016 in

O.A No. 27 of 2016.

2. The principle of review of an order or judgment is detailed in Order 47 Rule 1 of the Code of Civil Procedure and the Hon'ble Supreme Court in the case of *Sasi (D) through LRs v. Aravindakshan Nair and others* (2017) 4 SCC 692 has carved out the principles in the following manner:

11. *An application for review, regard being had to its limited scope, has to be disposed of as expeditiously as possible. Though we do not intend to fix any time limit, it has to be the duty of the Registry of every High Court to place the matter before the concerned Judge/Bench so that the review application can be dealt with in quite promptitude. If a notice is required to be issued to the opposite party in the application for review, a specific date can be given on which day the matter can be dealt with in accordance with law. A reasonable period can be spent for disposal of the review, but definitely not four years. We are compelled to say so as the learned counsel for the petitioner has submitted that there is a delay of 1700 days in preferring the special leave petition against the principal order as he was prosecuting the remedy of review before the High Court. The situation is not acceptable.*

12. *We are obliged to observe certain aspects. An endeavour has to be made by the High Courts to dispose of the applications for review with expediency. It is the duty and obligation of a litigant to file a review and not to keep it defective as if a defective petition can be allowed to remain on life support, as per his desire. It is the obligation of the counsel filing an application for review to cure or remove the defects at*

the earliest. The prescription of limitation for filing an application for review has its own sanctity. The Registry of the High Courts has a duty to place the matter before the Judge/Bench with defects so that there can be pre-emptory orders for removal of defects. An adroit method cannot be adopted to file an application for review and wait till its rejection and, thereafter, challenge the orders in the special leave petition and take specious and mercurial plea asserting that delay had occurred because the petitioner was prosecuting the application for review. There may be absence of diligence on the part of the litigant, but the Registry of the High Courts is required to be vigilant. Procrastination of litigation in this manner is nothing but a subterfuge taken recourse to in a manner that can epitomize "cleverness" in its conventional sense. We say no more in this regard.

In this case also, nothing has been brought to our notice, based on which it can be held that there is any error apparent on the face of record. Furthermore, the grounds canvassed by the applicant in this application are grounds which are to be canvassed before the appellate court. Considering the limited scope available to this Tribunal in a proceeding for review, we see no reason to interfere with the matter.

7. The R.A stands thus dismissed.

SP/
(JUSTICE RAJENDRA MENON)
CHAIRPERSON

SP/
(LT GEN P.M. HARIZ)
MEMBER (A)