

# SUPREME COURT OF INDIA

Nandi Verdhan Jain

Vs.

Chander Kanta Jain

(S Majmudar and V Khare JJ.)

01.08.2000

## ORDER

1. 394 days' delay is not satisfactorily explained. The only ground tried to be made out in the application for condonation of delay is that the petitioner was not able to understand as to what to do and had been taking advice from various persons. It has to be kept in view that when the special leave petition was dismissed on merits on 5th April, 1999 by us, petitioner's advocate, Mr. Chandra Prakash Pandey was heard. It is, therefore, obvious that the learned advocate was available to him to advise him as to what to do. Even that apart, we have gone through the merits of the review petition. We do not find any error, much less any patent error, in the order sought to be got reviewed. All the Courts below have concurrently held that the Will relied upon by him is not legally proved. The High Court in second appeal, therefore, has refused to interfere, obviously because there was no substantial question of law for invoking High Court's jurisdiction under Section 100, CPC, 1908. That order got confirmed by summary rejection of the special leave petition. It discloses no error, much less any patent error of law. The review petition is therefore, dismissed both on the ground of not satisfactorily explained gross delay of 394 days as well as on merits.