

**\* IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Order delivered on: August 1, 2013*

+ **CM(M) No.705/2013**

K.K. RAO .....Petitioner

Through Petitioner in person.

versus

BALJIT SINGH .....Respondent

Through None.

**CORAM:**

**HON'BLE MR. JUSTICE MANMOHAN SINGH**

**MANMOHAN SINGH, J. (ORAL)**

1. The petitioner K.K. Rao in the above said matter has filed the present petition under Article 227 of the Constitution of India challenging the judgment dated 2<sup>nd</sup> January, 2013 passed by the District Judge/Additional Rent Controller, District Courts Rohini, Delhi, whereby the appeal filed by the petitioner, against the order dated 10<sup>th</sup> December, 2010 passed by the Additional Rent Controller dismissing the review application, was dismissed. The said review was filed against the orders dated 26<sup>th</sup> September, 2003 and 18<sup>th</sup> November, 2003 passed in eviction petition No.132/2001 under Section 14(1)(b) of Delhi Rent Control Act, 1958 to restore the possession of the tenanted premises No.AN-1/D, Shalimar Bagh, Delhi to the petitioner. The said application for review was filed beyond the period of limitation before the trial court who gave its opinion that the said application under Order 47 Rule 1 read with Section 151 CPC for review of

eviction orders as mentioned above i.e. 26<sup>th</sup> September, 2003 and 18<sup>th</sup> November, 2003 was barred by time.

2. The petitioner has not denied the fact that he contested the matter against the said order upto the Supreme Court.

3. The contention of the respondent who opposed the prayer of the review application was that the review petition was nothing but a tool to extract money from the respondent by involving him in false and frivolous litigation. There is no ground for review of the order dated 26<sup>th</sup> September, 2003 and 18<sup>th</sup> November, 2003 at such a belated stage in the absence of application for condonation. The Supreme Court had dismissed the Special Leave Petition on 2<sup>nd</sup> December, 2003. The possession of the property has already been taken by the respondent in view of the orders passed in the eviction petition.

4. After having considered the pleadings placed on record as well as the impugned order, there is no force in the petition. The same is dismissed.

**(MANMOHAN SINGH)**  
**JUDGE**

**AUGUST 1, 2013**