

\$~2#

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

+ **RC REV. 143/2015**

BUDH RAM

..... Petitioner

Through: Mr.Gaurav Suneja, Advocate with
Petitioner in person.

versus

JAG MOHAN SHARMA

..... Respondent

Through: Mr.Manu Nayar, Ms.Urvashi Singh
and Ms.Stuti Sood, Advocates.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

%

08.01.2016

**CM Nos.32765/2015 (Stay), 32766/2015 (Delay) & Rev.Pet.No.620/2015
in RC Rev.143/2015**

1. There is a delay of 235 days in filing the review petition.
2. Vide order dated 30th August, 2014, the learned ARC dismissed the application of the Petitioner seeking leave to defend under Section 25-B (4) & (5) of the Delhi Rent Control Act, 1958 and directed him to vacate the tenanted premises comprising of one room situated on the ground floor of property No.F-166 (Middle Portion), Sudarshan Park, Basai Darapur, New Delhi. However, in light of Section 14(7) of DCRA the eviction order was directed not to be executed for a period of six months.
3. The Petitioner approached this Court by filing RC Rev.No.143/2015 on 11th February, 2015 which refiled number of times and came up for hearing before this Court for the first time on 18th March, 2015 when the ***RC REV. 143/2015***

statutory period of six months had expired however, the Petitioner had not vacated the premises. After hearing arguments of learned counsel for the Petitioner this Court observed that there was no merit in the petition thus learned counsel for the Petitioner did not press the petition but sought further extension of time to vacate the premises. Taking a compassionate approach this Court extended the time for vacation of the premises till 31st December, 2015 subject to an undertaking being filed in this regard before this Court within two weeks. Till date no such undertaking has been filed.

4. Be that as it may after exhausting the period of extension so granted till 31st December, 2015 the Petitioner has now approached this Court by way of a review petition seeking recalling of the order dated 18th March, 2015 by engaging another counsel.

5. Supreme Court in the decision reported as *1997 (9) SCC 736 Tamil Nadu Electricity Board and another vs. N.Raju Reddiar and another* deprecated the practice of filing review/clarification applications after the dismissal of the main petition by engaging another counsel.

6. Considering the conduct of the Petitioner and his oblique motive by taking extension of time and then seeking re-hearing of the petition in the garb of review, which is not permissible, the applications are dismissed subject to cost of ₹20,000/- to be paid by the Petitioner to the Respondent within four weeks failing which the same would be recoverable as land revenue.

MUKTA GUPTA, J.

JANUARY 08, 2016/‘vn’

RC REV. 143/2015

Page 2 of 2