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

+ CM(M) 657/2015

SANJEEV MALIK

..... Petitioner

Through: Mr.Rahul Srivastava, Advocate with
Mr.Sanjeev Nasir and Mr.Manu Dev
Sharma, Advocates.

versus

S MOHANJIT SINGH

(DECEASED THR LRS) & ANR

..... Respondents

Through: Mr.Gaurav M.Liberhan, Advocate for
R-1.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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05.02.2016

C.M No.2978/2016

1. For the reasons stated in the application, 53 days' delay in re-filing the review petition is condoned.
2. Application stands disposed of.

CrI.M.A. No.2979/2016

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

Review Petition No.38/2016

1. By filing the present review petition, the petitioner is seeking review of the order dated 23.09.2015 whereby the petition under Article 227 of Constitution of India filed by him impugning the order dated 14.11.2014 declining his prayer for impleadment in Civil Suit No.40/2009 (Old No.1058/2000), has been dismissed.
2. Arguments on the review petition part heard.

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3. Learned counsel for the petitioner submits that some time may be given to enable him to file brief written synopsis. Learned counsel for the petitioner has been informed that for disposal of review petition, written synopsis are not required. Now learned counsel for the petitioner seeks adjournment submitting that today is unable to argue further as Blood Donation Camp has been organised in District Court today.

4. At this stage, Mr.Gaurav M.Liberhan, Advocate appearing on behalf of respondent No.1 submits that this review petition needs to be dismissed out rightly for the reason that the Civil Suit No.40/2009 (Old No.1058/2000), wherein the petitioner moved an application under Order 1 Rule 10 CPC for his impleadment as a necessary party which was dismissed by the learned Trial Court, has already been decreed by the learned Trial Court. He further submits that he shall place on record the copy of the judgment and decree passed in Civil Suit No.40/2009 (Old No.1058/2000) today itself by 2.15 pm.

5. On being informed as to how this application seeking review of the order dated 23.09.2015 dismissing his petition bearing CM(M) No.657/2015 can be heard when the main suit in which he wanted to be impleaded as a party, has already been decreed by the learned Trial Court, the learned counsel for the petitioner submits that since he was not a party to that suit, he cannot say anything in that regard.

6. At the request of learned counsel for respondent No.1, the matter be taken at 2.15 pm.

FEBRUARY 05, 2016/‘st’

PRATIBHA RANI, J.

2.15 pm

1. Mr.Gaurav M.Liberhan, Advocate for respondent No.1 has appeared
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and placed on record the copy of the judgment dated 09.10.2015 passed by learned Trial Court in CS No.40/2009.

2. Since the suit bearing CS No.40/2009 in which the petitioner was seeking his impleadment has been already been decreed by the learned Trial Court vide judgment dated 09.10.2015, hearing arguments on the instant review petition will only be an exercise in futility.

3. The review petition is dismissed.

PRATIBHA RANI, J.

FEBRUARY 05, 2016

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