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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 267/2016 & C.M. Nos.10126-28/2016**
M/S CHOLAMANDALAM INVESTMENT AND FINANCE
COMPANY LIMITED

..... Petitioner

Through Mr. Vibhor Mathur, Adv.

versus

JASVEER SINGH BHATIA & ORS

..... Respondents

Through None.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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18.03.2016

The petitioner is aggrieved by the impugned order dated 26.10.2015 vide which application seeking a review of the order dated 01.06.2013 which had been accompanied by an application seeking condonation of delay of more than one year had been declined and rightly so.

Record shows that on 01.06.2013, a statement had been made by the counsel for the judgment debtor on behalf of the judgment debtor that the parties have settled their disputes and a sum of Rs.2,45,000/- would satisfy the decree of the decree holder. This amount of Rs.2,45,000/- which was deposited by the judgment debtor was admittedly accepted by the decree holder. The execution petition was disposed of. This was on 01.06.2013.

The decree holder was not satisfied with this order. He filed an E.F.A No. 09.2014. On 28.04.2014, he withdrew this petition. The

extract of the order reads herein as under:-

“Learned counsel for the appellant, upon instructions, seeks permission to withdraw this appeal with liberty to pursue his remedy as available in law.

Dismissed as withdrawn with liberty, as prayed for.”

Learned counsel for the petitioner submits that it was pursuant to this order that he had filed the review petition.

A perusal of the record shows that the review petition had been filed on 07.11.2014 i.e. admittedly after a delay of 7 months from the date of the order passed by the High Court. There was no explanation whatsoever for this delay. The vehement submission of the learned counsel for the petitioner is that he had obtained an order from the High Court to pursue his remedy on 28.04.2014 and after the counsel had been contacted, he had forthwith filed the aforetoed application seeking a review. At the cost of repetition, this review petition was filed after an unholy delay. It was filed after seven months of the liberty having been granted to him by the High Court. Relevant would it be to note that the review was sought of the order which was passed on 01.06.2013. Even presuming that a right had accrued in favour of the petitioner by the order of the High Court dated 28.04.2014 (although the liberty was to pursue a remedy as available under law) yet this Court even otherwise is wholly unable to understand that even after 28.04.2014 why the counsel had to wait for 7 months to file the review petition.

The submission of the learned counsel for the petitioner before this Court is that he was not satisfied with the amount of

Rs.2,45,000/- and the decree was in fact for a sum of almost Rs.7 lacs. As such the order which was passed on 01.06.2013 could not bind him. This Court has put a candid query to the learned counsel for the petitioner as to whether he had accepted this amount of Rs.2,45,000/- which had been paid by the judgment debtor to which his answer was in the affirmative. He admittedly having accepted this amount of Rs.2,45,000/-, there is little left with him to say that this execution petition did not stand satisfied.

The law on limitation which is contained in the Statute cannot be given a go-bye. The negligent, careless and lackadaisical attitude of a litigant cannot be permitted to reward him. The petitioner cannot be allowed to wake up from his slumber at whatever time he chooses. The petitioner appears to be trying his luck from all corners but in this bargain, the valuable and precious time of the Courts is being lost.

This petition is nothing but malafide. It is dismissed with costs quantified at Rs.10,000/-.

INDERMEET KAUR, J

MARCH 18, 2016

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