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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 10461/2016
JAI KARAN AND ORS

..... Petitioners

Through Mr. Kamlesh Kumar Mishra, Adv.

versus

DEPUTY COMMISSIONER SADAR PAHARGANJ ZONE AND
ORS

..... Respondents

Through Mr. Mukesh Gupta, Standing Counsel
for the MCD with Mr. Shashi Mittal
and Mr. Abhishek Sharma, Advs.
Mr. Nishank Tyagi, proxy for Mr.
Sanjay Ghose, ASC.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **28.04.2017**

**Review Pet. No.154/2017 & C.M.Appl. Nos.15554/2017,
15555/2017 & 15556/2017**

This review petition seeks a review of the order dated 04.11.2016. Submission of the petitioner is that this Court noting that the petitioner had already preferred W.P. (C) No.2340/2015 Moti Ram and Others Vs. North Delhi Municipal Corporation which was based on the same premise and the same averments contained in W.P. (C) No.10461/2016 and holding that the petition (i.e. W.P. (C) No.10461/2016) is not maintainable, was actually a wrong finding. This order calls for a review. Learned counsel for the review petitioner submits that at the time when he had argued W.P. (C) No.10461/2016 (which had been disposed of on 04.11.2016), he did

not have the earlier petition which had been filed by his clients i.e. W.P. (C) No.2340/2015. His clients are uneducated. He has now been able to obtain a copy of W.P. (C) No.2340/2015. This has been annexed along with the review petition. Attention has been drawn to the prayer clause. Submission is that the averments and the prayer in that petition (W.P.(C) No.2340/2015) are distinct and different from the averments made in W.P. (C) No.10461/2016 and as such a case for review is made out.

This application is opposed. Learned counsel for the respondent points out that there is no difference in the two petitions. It is pointed out that the prayer clauses are almost identical.

This Court notes this submission and after perusal of the same, is of the view that this review petition is not maintainable. Parameters of review are distinct. They do not cover the same ambit as is covered in the matter of an appeal. They are restricted to Order XLVII of the Code. Unless and until a new piece of evidence is discovered which was not within the knowledge of the review petitioner at the time when he argued the first petition or there has been an error apparent on the face of the record, a review is not really maintainable.

The prayers in W.P. (C) No.2340/2015 and the present petition i.e. W.P. (C) No.10461/2016 are almost identical. The submission of the petitioner that they had been allowed a provisional vending site by allotment letter dated 13.02.2009, at the cost of repetition, was a fact which was noted in the order dated 04.11.2016; it had been answered against the petitioner noting that these petitioners being in the know

how of this fact would have argued this submission in the earlier petition i.e. W.P. (C) No.2340/2015 as it was a ground available to them at the time when W.P. (C) No.2340/2015 had been disposed of on 11.03.2015.

Review petition is without any merit. Dismissed.

INDERMEET KAUR, J

APRIL 28, 2017

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