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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 816/2015 & C.M. No.18016/2015

SHEIKH MOHD ARIF

..... Petitioner

Through Mr. Gurmehar S. Sistani, Adv.

versus

DAULAT RAM & ORS

..... Respondents

Through Mr. Jatin Kumar, Adv for R-3 & R-4.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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29.03.2016

Respondents No. 3 & 4 have been served. Respondent No. 1 & 2 are yet to be served. Efforts had been made by the petitioner to serve respondent No. 1 & 2 but time and again the report has come back as unserved.

This Court noted that the impugned order had declined to hear the review petition filed by the petitioner seeking a review of the order dated 21.01.2015 primarily on the ground of limitation. Dates noted by the Trial court are relevant. The Trial Court has noted that the order had been brought to the notice of the petitioner on 21.01.2015 (the date when the order was passed). Limitation would admittedly run from that date. The present application seeking a review of the order had been filed on 24.02.2015. This was after a delay of 3 days. Learned counsel for the petitioner additionally submits that the time for obtaining certified copy of the order i.e. the date between 30.01.2015 to 05.02.2015 (as noted by the Trial Judge) had not been excluded for the purpose of limitation. The Trial Judge

had noted that there was no record to substantiate this submission of the petitioner.

Be that as it may, in view of the fact that a valuable right of the petitioner would be lost in case he is not allowed to plead his case on merits (limited to the law relating to review), the impugned order is set aside. The Trial Court shall consider the review petition on merits.

Petition disposed of.

INDERMEET KAUR, J

MARCH 29, 2016

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