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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 1250/2015

SANJEEV

..... Petitioner

Through Mr.Sameer Jain and Mr.Pratap Singh,
Advocates.

versus

URMILA

..... Respondent

Through None.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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15.03.2016

Proof of deposit of cost has been placed on record.

Petitioner is aggrieved by the order dated 16.7.2015 vide which his application filed under Order XLVII read with Section 114 of the CPC was declined; the Court was of the view that the review petition has been filed belatedly. Record shows that in the suit (pending before the Trial Court) an application under Order VI Rule 17 of the CPC had been filed by the plaintiff which was allowed vide order dated 10.5.2013; against that order CM(M) No.1072/2013 was preferred before the High Court. This petition was dismissed as withdrawn on 03.01.2014. Petitioner had sought liberty from this Court to file a review petition against the impugned order (dated 10.5.2013). This liberty was granted to him.

Learned counsel for the petitioner submits that the delay in filing the review petition was largely for the reason that the suit was pending

before the Civil Judge and was being tried by the Civil Judge. After the application under Order VI Rule 17 of the CPC had been allowed the pecuniary jurisdiction of the Court had changed and the suit thereafter transferred to the Court of Additional District Judge and in spite of all best efforts made by the petitioner to file his application seeking review of the order dated 10.5.2013 he could not do so as the file has not yet been transferred from one court to another. This was the reason why his review petition was delayed. Learned counsel for the petitioner submits that this application could not be filed earlier for the reason as noted supra.

The concerned Court shall hear the review petition on merits wherein the petitioner is seeking a review of the order dated 10.5.2013. Needless to state that the review petition will be entertained after notice to other side. This petition is disposed of in the above terms with costs of Rs.5000/-.

INDERMEET KAUR, J

MARCH 15, 2016
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