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

+ CM(M) 313/2014

SMT VIJLA UNYAL

..... Petitioner

Through: Petitioner in person.

versus

DEEPAK KUMAR & ANR

..... Respondents

Through: Mr.Rahul Raj Malik, Adv.for R-1
Mr.Rahat Bansal, Advocate for R-2
with R-2 in person.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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12.05.2017

CM No.37374/2016

1. This application has been filed by the petitioner under Section 151 CPC for revival of the main petition bearing No.CM(M) 313/2014, filed under Article 227 of the Constitution of India, which has been dismissed on 16th September, 2014.
2. The petitioner is praying for revival of CM(M) 313/2014 on the ground that though the respondents have made a statement before the Court on 16th September, 2014 that the judgment and decree passed in Civil Suit No.236/2010 on 22nd January, 2013 will only bind the parties to the suit and as the petitioner and her husband were not the parties to that suit, the judgment and decree cannot be binding upon them, but after getting disposed of the aforesaid petition, the respondents have taken a U-turn.

3. On 16th September, 2014, the CM(M) 313/2014 was disposed of by passing the following order:

“1. This petition is dismissed as not pressed in view of the observations which are being made by this Court and is agreed to by the respondents that the judgment and decree passed in suit No.236/2010 on 22.1.2013 will only bind the parties to the suit and persons who claim through such parties and not the persons who are not parties to the suit and are not claiming through the parties to the suit such as the present petitioner.

2. Parties are left to bear their own costs.

4. Learned counsel for the respondents is present and submit that the respondents have not taken any U-turn and they do not know what for the petitioner is seeking revival, when a statement has been made on behalf of the respondent Nos.1 & 2 that judgment in Civil Suit N.236/2010 will only bind parties to the suit or persons claiming through such parties.

5. In view of the submissions made on behalf of the respondent, the apprehension of the petitioner that the respondents are taking a U-turn is unfounded.

6. The application seeking revival of CM(M) 313/2014 is dismissed.

PRATIBHA RANI, J.

MAY 12, 2017

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