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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) No.231/2015 & CM No.4903/2015 (for stay).
KHEMKA CONTAINERS LTD Petitioner
Through: Mr. Mohit Nigam, Adv.

Versus

THOMSON PRESS (INDIA) LTD Respondent
Through: Mr. Sushil Dutt Salwan, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **06.07.2017**

1. This petition under Article 227 of the Constitution of India seeks setting aside of the order dated 2nd March, 2015 of the Additional District Judge dismissing an application for review of the order dated 5th February, 2015 in a suit filed by the respondent / plaintiff against the petitioner / defendant for recovery of money. The petition was entertained and notice thereof issued and has now been pending before this Court for the last over two years.
2. Mr. Mohit Nigam, Advocate for the petitioner / defendant seeks adjournment on the ground that the main counsel Mr. Shailendra Babbar is busy in some other case in some other Court.
3. That is no ground for adjournment.
4. I have even otherwise wondered as to why this petition challenging an order of dismissal of review is pending inasmuch as there can be no challenge to an order of dismissal of a review petition.
5. I have enquired from the counsel for the respondent / plaintiff whether the petitioner / defendant has taken any remedy against the order dated 5th

February, 2015 of which review was sought and dismissed on 2nd March, 2015.

6. The counsel for the respondent / plaintiff states that no remedy thereagainst was availed of.

7. The petition is highly misconceived and is dismissed with costs of Rs.10,000/- to the counsel for the respondent / plaintiff before the Suit Court and payable on the next date of hearing before the Suit Court as a pre-condition to continue with the defence of the suit.

RAJIV SAHAI ENDLAW, J.

JULY 06, 2017

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