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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 228/2015, CM APPL. 15196/2017, CM APPL. 15200/2017,
REVIEW PET. 151/2017 & CM APPL. 15201/2017
NISHA TANDON Petitioner
Through Mr.M.L.Mahajan and Mr.Gaurav
Mahajan, Advs.
versus

AMAN MALIK & ANR Respondents
Through Mr.Saurabh Tewari, Adv. for R-2
with R-2 in person.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
% **12.01.2018**

REVIEW PETITION No.151/2017

I may note on 08.12.2017, the matter was directed to be adjourned for 12.01.2018. The order wrongly noted the next date of hearing as 15.12.2018. The order of 08.12.2017 stands corrected accordingly.

This review petition is filed seeking to review/recall the order dated 31.01.2017.

Respondent No.2 is the wife of respondent No.1. They were residing in the suit property. The husband is said to have vacated in September 2012. The issue was as to who would pay the rent of the property which was at the rate of Rs.7,000/- per month.

In an entirely different proceedings, namely CM(M) 1143/2016 on 18.01.2016, the learned Single Judge of this court had passed an order that respondent No.2 is admittedly enjoying the said property. It also noted that the trial court had directed the user charges be paid by respondent No.2 to

the landlord. The court also noted that the order of the trial court directing the wife/respondent No.2 to pay user charges suffers from no infirmity.

This court vide order dated 31.01.2017 had clarified the order dated 18.01.2016 and had noted that the arrears of rent till September, 2012 will be paid by respondent No.1 who was occupying the premises. Subsequent rent will have to be paid by the wife/respondent No.2- applicant in terms of order dated 18.01.2016.

The only plea raised before this court to review the order is that the above order be modified as respondent No.2 is not earning and has not been working.

There is clearly no cogent ground stated for review of the order dated 31.01.2017. There is no error apparent on the face of the record. In case, respondent No.2 is aggrieved, it would be open for her to take steps as per law against her husband respondent No.1 regarding the rentals. Accordingly, the present petition is dismissed.

Dasti.

JAYANT NATH, J

JANUARY 12, 2018

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