

\$~5

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

+ **FAO(OS) 158/2016 & CM 19738/2016 & 19740/2016**

HARJEET SINGH AND ORS Appellants

Through: Mr J.P.Sengh, Sr.Adv. with Mr Sunil
Upadhyaya, Adv.

versus

CHARANJIT SINGH AND ORS Respondents

Through: Ms Ruchira Goel, Adv. for R-1.
Mr Joby P.Varghese, Adv. for R-2.
Ms Zehra Khan, Adv. for R-3.

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **10.01.2017**

We have heard the learned counsel for the parties. We are of the view that the present appeal is not maintainable. This is so because the appeal preferred against the order dated 20.04.2015 being FAO(OS) No.275/2015 was dismissed as withdrawn without any liberty having been granted to the appellant by an order of a division bench on 20.05.2015. Thereafter, the appellants preferred a review petition being R.A. No.312/2015 before the learned single Judge which was also dismissed by the order dated 01.04.2016 which is also impugned in the present appeal. The latter being an order in review cannot be appealed against. Insofar as the earlier order dated 20.04.2015 is concerned, no appeal can be filed in respect thereof before a Division bench of this Court in view of the earlier appeal being dismissed as withdrawn without any liberty.

According to the learned counsel for the respondents, no appeal in any event can lie against the order dated 20.04.2015 because it was a consent order. This is not accepted by the learned counsel for the appellant and he submitted that in certain circumstances, an appeal could lie even against a consent decree.

We are not getting into this controversy in view of the other circumstances stated above which clearly indicate that the present appeal is not maintainable.

The appeal is dismissed as withdrawn.

BADAR DURREZ AHMED, J

ASHUTOSH KUMAR, J

JANUARY 10, 2017/ab