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

+ CM(M) 451/2017 & CM No.15384/2017 (for stay)

S.K. SALES AND ORS Petitioners
Through: Mr. Yash Paul Ahuja, Adv.

Versus

RAM NARAIN AGGARWAL Respondent
Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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20.07.2017

1. This petition under Article 227 of the Constitution of India impugns the order (dated 14th October, 2016 of the Court of Additional District Judge (ADJ)-12 (Central), Tis Hazari Courts, Delhi) of dismissal of an application filed by the petitioners/defendants for review of the order dated 8th January, 2014 in CS No.341/2016 (New CS No.13147/2016) filed by the respondent/plaintiff.
2. Vide order dated 8th January, 2014, the application of the respondent/plaintiff under Order XVIII Rule 17 was allowed and the respondent/plaintiff granted an opportunity to lead evidence.
3. I have enquired from the counsel for the petitioners as to how a challenge to an order of dismissal of an application for review can be entertained without the petitioner challenging the order of which review was sought and which is of as far back as of 8th January, 2014.

4. The counsel for the petitioners/defendants states that though in the prayer paragraph of this petition only the setting aside of the order dated 14th October, 2016 is sought but in the title of the petition, the order dated 8th January, 2014 is also mentioned as under challenge.

5. The said contention is also factually incorrect. The title of the petition is as under:

“Petition under Article 227 of the Constitution of India for setting aside the order passed by Ld. ADJ dated 14-10-2016 of Sh. Sanatan Prasad, ADJ, Delhi confirming the order dated 17-10-2012.”

6. It is not understandable as to which is the order dated 17th October, 2012 which is referred to in the title to the petition. No copy of the order dated 17th October, 2012 is filed along with the petition.

7. The counsel for the petitioners/defendants then states that he be allowed to correct the aforesaid error.

8. The petitioners/defendants have approached this Court under Article 227 of the Constitution of India. This petition had come up first before this Court on 24th April, 2017 when the counsel for the petitioners/defendants sought adjournment and the matter was posted for today.

9. It appears that this petition is being used to delay the suit of the respondent/plaintiff before the Suit Court and which cannot be permitted.

10. Even otherwise, the petitioners/defendants having not taken care in filing the petition are not entitled to any such indulgence which will have the effect of delaying the disposal of the suit before the Trial Court.

11. Dismissed.

No costs.

JULY 20, 2017

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RAJIV SAHAI ENDLAW, J.