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

+ CM(M) 233/2017 and CM Nos. 7684/2017

LALIT SUYAL	 Petitioner
Through	Mr.B.N.Gupta, Advocate.
versus	
GURPREET SINGH ARORA	 Respondent
Through	

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
27.02.2017

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1. By the present petition filed under Article 227 of the Constitution of India, the petitioner seeks to challenge the order dated 03.09.2016 by which an application filed under Order 22 Rule 4 CPC for bringing on record the LRs of the deceased respondent has been allowed.
2. Learned counsel for the petitioner submits that in fact there was no application on record and that the respondent had died in February 2014. He submits that now at this stage, the application has been filed under Order 22 Rule 4 CPC which is barred by limitation and should not have been allowed in this manner.
3. A perusal of the impugned order would show that the Additional Rent Controller has noted that this petition filed under Section 14(1)(a) of the Delhi Rent Control Act is pending since August 2003. The right to sue still survives in favour of the respondent. It also noted that the submission of the respondent that the original application was filed on 24.04.2014 but the same is not available on record. A copy of the same was filed again on 25.07.2016. Based on this document, the application of the respondent has

been allowed and the LRs of the deceased respondent have been impleaded.

4. The grievance of the learned counsel for the petitioner is that there was no application filed by the respondent in 2014 as has been falsely claimed. He submits that the impugned order has wrongly noted that an application was filed in 2014. He submits that a valuable right has also accrued to the petitioner as the petition has been abated.

5. A perusal of the order sheets would show that the contention of the learned counsel for the petitioner is misplaced. As back as on 01.08.2014, the trial court has noted about an application under Order 22 Rule 3 CPC. These order sheets continue including orders on 17.09.2014, 10.11.2014, 23.05.2015, 12.04.2016 onwards. It is manifest that there is some confusion as to whether the application was filed or not. The trial court has accepted the version of the respondent noting that in view of the orders which have already been passed earlier, the application under Order 22 Rule 4 had been filed.

6. I have to bear in mind to maxim of equity, namely, "*Actus Curiae Neminem Gravabit*" – An Act of the court shall prejudice no man. Accordingly in my opinion, there is no infirmity in the order of the trial court whereby in view of the orders passed earlier since 2014, it permitted the petitioner to place on record a copy of the application under Order 22 Rule 4 CPC. There is no ground to interfere with the impugned order.

7. In view of the above, the petition is accordingly dismissed. All pending applications also stand dismissed.

JAYANT NATH, J

FEBRUARY 27, 2017/rb