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

+ CM(M) 1069/2017

MOHIT CHOUDHARY & ORS

..... Petitioners

Through: Mr. Chowdhary Ranjit Singh, Adv.

Versus

DELTON INFRA PVT LTD

..... Respondent

Through: Mr. Ajit Kumar Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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10.01.2020

Review Petition No.3/2020 & CMs No.162/2020 (for condonation of 708 days delay in filing review petition), 163/2020 (for condonation of 45 days delay in re-filing the review petition) & 164/2020 (for exemption)

1. CM No.164/2020 is allowed subject to just exceptions.
2. CM No.164/2020 is disposed of.
3. The counsel for the petitioners/defendants/non-review petitioners appears on advance notice.
4. The counsel for the respondent/plaintiff/review petitioner has been heard.
5. I have enquired from the counsel for the petitioners/defendants/non-review petitioners, that since the order dated 22nd September, 2017, of which review is sought, of dismissal *in limine* of CM(M) No.1069/2017 was passed in the absence of the counsel for the respondent/plaintiff/review petitioner, why should the review petition be not disposed of recording that it will be

open to the Trial Court to adjudicate the aspect of limitation *de hors* the observations in the order dated 22nd September, 2017.

6. The counsel for the petitioners/defendants/non-review petitioners states that the respondent/plaintiff/review petitioner has been aware of the order dated 22nd September, 2017, immediately after passing thereof and this review petition has been filed after long delay, also from the order dated 11th April, 2019 of the Trial Court filed as Annexure P-2 to the review petition.

7. Subject to the respondent/plaintiff/review petitioner paying costs of Rs.25,000/- to the petitioners/defendants/non-review petitioners, the delay is condoned and the review petition is disposed of observing that the Trial Court shall decide the aspect of limitation in accordance with law, without being swayed by any observation in the order dated 22nd September, 2017.

RAJIV SAHAI ENDLAW, J.

JANUARY 10, 2020

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