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

+ **CM(M) 1283/2017**

NUMALIGARH REFINERY LTD (NRL) Petitioner

Through: Mr. Avneesh Garg, Ms. Reshmi R.
Sinha & Mr. P. Sinha, Advs.

Versus

RAM KUMAR GUPTA & ANR Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **14.11.2017**

CM No.40987/2017 (for exemption)

1. Allowed, subject to just exceptions.
2. The application is disposed of.

CM (M) 1283/2017 & CM No.40986/2017 (for stay)

3. This petition under Article 227 of the Constitution of India impugns the order dated 17th January, 2015 of the learned Joint Registrar (Judicial) of this Court in CS(OS) No.2149/2009 which since then, upon enhancement of the minimum pecuniary jurisdiction of this Court, has been transferred to the District Court.
4. The Joint Registrar decides certain matters as prescribed in Rule 3, Chapter II of the Delhi High Court (Original Side) Rules, 1967 as a delegatee of this Court, exercising Ordinary Original Civil Jurisdiction, and a petition under Article 227 of the Constitution of India does not lie against the order of a Judge of this Court exercising Ordinary Original Civil Jurisdiction himself or through his delegatee. Reference, if any required, can

be made to (i) *Udey Singh Todar Singh Vs. State of Haryana* AIR 1971 P&H 284; and, (ii) *Anil Kumar Shrivastava Vs. Shaurya Sunil* AIR 2016 Pat 59.

5. The remedy of the petitioner / defendant is to prefer a Chamber Appeal, if lies, under Rule 4, Chapter II of the Delhi High Court Rules, against the order of the Joint Registrar.

6. A Chamber Appeal in fact was preferred but the same was dismissed in default and an application for restoration of the same is stated to have been filed.

7. The counsel for the petitioner / defendant will have to request the Additional District Judge before whom the suit is now pending, for placing the file before the Registrar of this Court for hearing of the application for restoration of the appeal.

8. Be that as it may, this petition is not maintainable and is dismissed.

No costs.

Dasti.

RAJIV SAHAI ENDLAW, J

NOVEMBER 14, 2017

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