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

+ **CM(M) 1315/2017**

RAM BABU

..... Petitioner

Through Mr.Bharat Bhushan & Ms.Jyoti
Tyagi, Advocates

Versus

SURESH CHAND SHARMA

..... Respondent

Through None

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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21.11.2017

CM No. 42132/2017 & 42133/2017 (both for exemption)

1. Allowed, subject to just exceptions.
2. Applications stand disposed of.

CM (M) No. 1315/2017 & CM No. 42131/2017 (stay)

3. This petition under Article 227 of the Constitution of India impugns the orders dated 15th January, 2013 & 17th July, 2017 in E-15/09 and ARC No. 25948/2016 of the Court of Additional Rent Controller, West, Tis Hazari Courts, Delhi.
4. Vide order dated 15th January, 2013, made in exercise of powers under Section 15(7) of the Delhi Rent Control Act, 1958, the defence of the petitioner/tenant to the petition for eviction filed by the respondent was struck off for the reason of the petitioner/tenant having not complied with the order under Section 15 (1) of the Act.

3. Vide impugned order dated 17th July, 2017, the application filed by the petitioner for review/recall of the order dated 15th January, 2013 (supra) was dismissed.
4. This petition, in so far as impugning the order dated 15th January, 2013 is not only misconceived, inasmuch as the remedy there against is of appeal to the Rent Control Tribunal under Section 38 of the Act, but even otherwise is barred by laches and acquiescence.
5. As far as the challenge to the order dated 17th July, 2017 is concerned, Supreme Court in *Land Acquisition Officer, Andhra Pradesh Vs. Ravi Santosh Reddy* (2016) 14 SCC 238 has held that no challenge lies to an order of dismissal of an application for review/recall of an earlier order and only the main order is to be challenged.
6. Even otherwise, the impugned order dated 17th July, 2017 records that neither the petitioner/tenant nor his counsel appeared before the Additional Rent Controller on 17th July, 2017 and the application for review was dismissed after going through the order of which review was sought and not finding the error apparent on the face of the record therein.
7. Counsel for the petitioner even now is clueless and is unable to answer any question.

Dismissed.

No costs.

RAJIV SAHAI ENDLAW, J

NOVEMBER 21, 2017

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