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

+ **CM(M) 1305/2017**

NAVEEN KUMAR GUPTA Petitioner

Through: Mr. Dinesh Garg, Adv.

Versus

DINESH GUPTA Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **20.11.2017**

CM No.41895/2017 (for exemption)

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

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3. This petition under Article 227 of the Constitution of India impugns the order [dated 25th October, 2017 in Civil Suit No.2579/2016 of the Court of Additional District Judge-02 (ADJ), East District, Karkardooma Courts, Delhi] of dismissal of the application of the petitioner / plaintiff for review / modification of the order dated 16th October, 2015 in the suit.
4. Though the counsel for the petitioner had also labelled the application as one for modification but the same was in fact for review / recall only.
5. Supreme Court in *Land Acquisition Officer, Andhra Pradesh vs. Ravi Santosh Reddy* (2016) 14 SCC 238 has held that against an order of dismissal of an application for review/recall of an earlier order, no Revision Petition or a petition under Article 227 of the Constitution of India lies and the remedy is to challenge the order of which review/recall was sought.

6. The order dated 16th October, 2015 has not been challenged in this petition. Moreover, the order dated 16th October, 2015 was of the Joint Registrar (Judicial) of this Court when the suit was pending in this Court, before transfer thereof to the Subordinate Courts on enhancement of minimum ordinary original civil pecuniary jurisdiction of this Court.

7. Against an order dated 16th October, 2015 of the Joint Registrar (Judicial) acting as the delegatee of the Judge exercising Ordinary Original Civil Jurisdiction, a Chamber Appeal lies.

8. Upon the same being pointed out to the counsel for the petitioner / plaintiff, he states that though a Chamber Appeal was preferred but was not accepted by the Registry of this Court for the reason of the suit having been transferred.

9. It is for the Advocates to guide the Registry with respect to the law and not vice-versa. The remedy of the petitioner /plaintiff was to file a Chamber Appeal in the suit pending before the Additional District Judge and who would then have referred the matter to this Court.

10. This petition thus is misconceived and is liable to be dismissed.

11. Dismissed. The petitioner shall have liberty to take appropriate remedies.

No costs.

RAJIV SAHAI ENDLAW, J

NOVEMBER 20, 2017

‘gsr’