

\$~35&36

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

+ CM(M) 1312/2017

RAJIV GAMBHIR & ANR Petitioners

Through: Mr. Shyam D. Nandan, Mr.Dhruv
Dwivedi, Advocates

versus

SUDHIR KUMAR HUF & ORS Respondents

Through: Mr.Anil Sharma, Mr.Aman Bhardwaj,
Mr. Jaskaran Singh, Advocates

CM(M) 1313/2017

RAJIV GAMBHIR & ANR Petitioner

Through: Mr. Shyam D. Nandan, Mr.Dhruv
Dwivedi, Advocates

versus

SUNITA SHARMA & ORS Respondent

Through: Mr.Anil Sharma, Mr.Aman Bhardwaj,
Mr. Jaskaran Singh, Advocates

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **21.11.2017**

CM No.42119/2017 in CM(M) 1312/2017 (for exemption)

CM No.42121/2017 in CM(M) 1313/2017 (for exemption)

1. Allowed, subject to just exceptions.
2. The applications are disposed of.

CM(M) 1312/2017 & CM No.42118/2017 (for stay)

CM(M) 1313/2017 & CM No.42120/2017 (for stay)

3. These petitions, both under Article 227 of the Constitution of India, impugn identical but separate orders (both dated 6th November, 2017 and both of the Court of Additional District Judge-01, South East District, Saket Courts, New Delhi in CS No.6676/2016 and CS No.6675/2016) of dismissal of the application of the petitioners no.2&3 /defendants for re-opening of the

CM(M) 1312/2017 & 1313/2017

Page 1 of 2

evidence of the petitioners no.2&3/defendants and which was closed by an earlier order.

4. The order closing the evidence has not been challenged.
5. Supreme Court in ***Land Acquisition Officer, Andhra Pradesh Vs. Ram Santosh Reddy*** (2016) 14 SCC 238 has held that no revision lies against an order of dismissal of an application for review/recall of an earlier order without challenging the order of which review/recall was sought. The said principle in order dated 19th September, 2017 in CM(M) No.1028/2017 titled ***Fashion to Fashion Exports Vs. M.V.M. Enterprises*** has been extended to petitions under Article 227 of the Constitution of India.
6. Even otherwise, the learned Additional District Judge in the impugned orders has recorded that the petitioners/defendants had been given two earlier opportunities to lead evidence and the Suits, as per the impugned orders are listed today for final arguments.
7. For this reason also, it is not deemed appropriate to interfere with the hearing of final arguments in the Suits today.
8. The petitions are dismissed with liberty to the petitioners to, if remain aggrieved from the final orders in the Suits, in the remedy, if any, preferred thereagainst, also challenge the order of closure of their evidence including on the grounds already taken in these petitions or any other grounds.

RAJIV SAHAI ENDLAW, J

NOVEMBER 21, 2017

Pk..

CM(M) 1312/2017 & 1313/2017

Page 2 of 2