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

+ RSA 101/2018

NAZMA BEGUM

..... Appellant

Through: Mr. Surinder Anand & Ms. Sugandha
Anand, Advs.

versus

ALI ABBAS

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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11.07.2018

CM No.27000/2018 (for exemption)

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

RSA 101/2018 & CM No.27001/2018 (for stay)

3. This Regular Second Appeal impugns the order [dated 17th May, 2018 of the Court of Additional District Judge (ADJ)-02, District East, Karkardooma Courts, Delhi] of dismissal of an application under Section 114 of the Code of Civil Procedure, 1908 (CPC), registered as Miscellaneous No.325/2018, for review of the order dated 29th August, 2014 in RCA No.48/2013 of dismissal of the First Appeal under Section 96 of the CPC (preferred by the appellant against the judgment and decree dated 26th March, 2013 in Suit No.197/2012 (Old Suit No.10/2004) (Unique Case ID No.02402C0475502004) consequent to the dismissal of the application filed by the appellant along with RCA No.48/2013 for condonation of delay in preferring the said First Appeal.

4. The order dated 29th August, 2014 has not been challenged and in any case a Second Appeal would not lie thereagainst.
5. As per Order XLVII, Rule 7 of the CPC, no appeal lies against an order of dismissal of review. Reference, if any in this regard may be made to (i) *Govt. of NCT of Delhi Vs. Mool Chand Sharma* 2013 (135) DRJ 705 (DB); (ii) *AJS Builder Pvt. Ltd. Vs. Harvinder Singh* 2014 SCC OnLine Del 3592; (iii) *Garibani Devi Vs. State* 2017 SCC OnLine Del 9367; and, (iv) *Ramvati Vs. Sukhbir Singh Chauhan* 2018 SCC OnLine Del 9632. This Second Appeal is thus misconceived.
6. The counsel for the appellant states that he has filed the Second Appeal under Section 100 of the CPC.
7. However, as aforesaid this appeal is not against the judgment and decree of the First Appellate Court but against the order of dismissal of review and does not lie.
8. Dismissed.
No costs.

JULY 11, 2018
'gsr'..

RAJIV SAHAI ENDLAW, J