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

+ CRL.M.C. 4622/2017 & Crl. M.A. no. 18416/2017

ANGEL HOSPITALITY PVT LTD & ORS Petitioners
Through Mr. Satvik Varma, Mr. Laksh Khanna
and Mr. Udit Chauhan, Advs.

versus

CHIRAG JAIN & ORS Respondents
Through Mr. Ashish Aggarwal, Adv.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **09.07.2018**

Learned counsel for the petitioners submits that learned Additional Sessions Judge has dismissed the Revision Petition primarily on the part of limitation, therefore, matter has not been decided on merits except that certain observation have been made towards the merits of the case, inasmuch as it has been wrongly mentioned in the order that petitioners had conceded that they were in possession of the property. In fact this is contrary to the complaint itself, wherein complainant has alleged that petitioners had vacated the premises on 28th February, 2014.

I have perused the impugned order. Revision Petition appears to have been dismissed being barred by limitation. There was delay of 16 days,

which in my view, ought to have been condoned and Revision Petition ought to have been decided on merits.

In the above facts the impugned order is set aside and the matter is remanded back to the Revisional Court for hearing and disposing of the Revision Petition on merits, without being influenced by the observations in the impugned order, touching the merits of the case.

Petition is disposed of in the above terms. Parties to appear before the learned Additional Sessions Judge/Revisional Court on 30th July, 2018. Trial court record be sent back. Miscellaneous application is disposed of as infructuous. Dasti.

A.K. PATHAK, J.

JULY 09, 2018

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