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

Date of decision: 24th December, 2019

+ LPA 787/2019, Cav 1275/2019 and CM Nos.55561-55564/2019

M/S CHOLAMANDALAM INVESTMENT & FINANCE
COMPANY LTD

..... Appellant

Through: Mr. Sanjeev Bhandari, Mr. Prateek
Kumar and Ms. Spriha Bhandari, Advs.

versus

RAJ KUMAR KOHLI & ORS

..... Respondents

Through: Mr. Ajay Kumar Tandon, Mr. Namit
Suri, Ms. Purnima Singh and Ms. Shibani
Khauntia, Advs. for R-1 and 2
Ms. Manisha Singh and Ms. Nisha Sharma, Advs.
for R-3/RBI

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

24.12.2019

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D.N. PATEL, CHIEF JUSTICE (ORAL)

Cav 1275/2019

1. As learned counsel for the respondents have been heard, the caveat stands discharged.

LPA 787/2019

2. This Letters Patent Appeal has been preferred by the original respondent no.2 in W.P.(C) 11281/2017 which was disposed of by the learned Single Judge *vide* judgment and order dated 21st October, 2019 (Annexure A-1 to the memo of this appeal).

3. Learned counsel appearing for the appellant (original respondent no.2) submitted that this appellant is relying upon circular dated 2nd August, 2019 (at Annexure A-3 to the memo of this appeal), which was not produced before the writ court nor annexed with the counter affidavit. The circular affects the very root of the case as per the submission of this appellant (original respondent no.2). This appellant (respondent no.2) relies upon the aforesaid circular and hence the learned counsel for the appellant seeks permission to file a review application before the learned Single Judge in W.P.(C) 11281/2017 for reviewing the judgment and order dated 21st October, 2019.

4. Looking to the facts and circumstances of the case, if this appellant is relying upon a circular dated 2nd August, 2019 and if the said circular, as per this appellant, affects the very root of the case, then the same must be produced before the learned Single Judge and hence appellant can always prefer a review application in accordance with law before the learned Single Judge in W.P.(C) 11281/2017.

5. The contentions of the respondents in this LPA or the petitioners in the writ petition are kept open which can be raised in the review petition.

6. With these observations, this Letters Patent Appeal is disposed of reserving the liberty as stated hereinabove with this appellant (original respondent no.2).

CM Nos.55561/2019, 55562/2019, 55563/2019 and 55564/2019

1. In view of the disposal of the appeal, all these applications are also stand disposed of.

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CHIEF JUSTICE

C.HARI SHANKAR, J.

DECEMBER 24, 2019/kr

