

\$~31

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

+ RSA 149/2019

RAJESH KUMAR Appellant

Through: Mr.Lalit Ajmani, Advocate.

versus

PHOOL SINGH Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **28.02.2020**

REVIEW PET. 86/2020 & CM APPL.Nos.8051-53/2020

This review petition is against the judgment/order dated 30.07.2019 passed by this court. It is alleged few of the issues were never considered either by the learned Trial Court or by the First Appellate Court or by the Second Appellate Court.

Admittedly the plot where the appellant is residing was allotted to his father/respondent. It is the case of the appellant he had constructed some portion in the said plot and has been residing therein since many years. However, admittedly the relationship between the appellant and his father/the respondent is strained. Even qua construction no documents were ever produced by the appellant either before the learned Trial Court or before the First Appellate Court.

The learned counsel for the appellant now says the property is an ancestral property/joint family property which fact was never considered by this court. However, the record reveals the appellant never pleaded this fact either before the learned Trial Court or before the First Appellate Court and hence has failed to show how there is an

error apparent on record.

At this stage, the learned counsel for the appellant submits that he intends to withdraw the review petition.

In the circumstances, the review petition stands dismissed as withdrawn. Pending application(s) also stands disposed of.

No order as to costs.

YOGESH KHANNA, J.

FEBRUARY 28, 2020

DU