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

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Date of decision: 13.01.2023

+ **CONT.APP. (C)15/2019**

ARUN RATHI

..... Appellant

Through: Mr.Vikas Pahwa & Mr.Manish Vashisth, Sr. Advs. with Mr.Tanmay Mehta, Mr.Subhash Chawla & Mr.Vanshay Kaul, Advs.

Versus

INOX AIR PRODUCTS PVT LTD & ORS.

..... Respondents

Through: Mr.Atul Shanker Mathur, Mr.Prabal Mehrotra, Ms.Umang Katariya & Mr.Apoorva Jha, Advs.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE SANJEEV NARULA

J U D G M E N T (oral)

CM APPL. 1555/2023 & REVIEW PET.12/2023

1. Present application has been filed on behalf of the appellant seeking condonation of delay of 1095 days in filing the present review petition seeking review and recall of the judgment dated 26.11.2019 in Cont. App.(C) 15/2019.

2. The abovementioned appeal was against the order dated 10.10.2019 passed by learned Single Judge in CCP(O) 10/2017 arising out of OMP No.708/2012. Against the said judgment dated 10.10.2019, the appellant

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approached the Hon'ble Supreme Court by filing a SLP (Crl.) No.665/2020 and the same was dismissed vide order dated 13.09.2022 whereby observed as under:

"Heard learned counsel for the parties.

We find no grounds to interfere with the impugned judgment and order passed by the High Court in exercise of the jurisdiction under Article 136 of the Constitution of India.

The special leave petition is, accordingly, dismissed.

The time to make the payment is, however, extended by four weeks from date.

Pending applications, if any, shall stand disposed of."

3. Thereafter, the petitioner filed another application being M.A. No.1806/2022 in the abovementioned SLP seeking extension of time for payment in view of the serious medical condition of the petitioner, however, the Hon'ble Supreme Court vide order dated 11.11.2022 disposed of the application and observed as under:

"M.A. No.1806/2022 in SLP(Crl.) No.665/2020

1. This is an application filed on behalf of the applicant/petitioner seeking extension of the time granted for making payment vide order dated 13.09.2022 passed by this Court in Special Leave Petition (Crl.) No.665/2020.

2. Having heard learned Senior counsel appearing on behalf of the applicant/petitioner and on carefully perusing the averments made in the above-mentioned application, we are of the view that the order dated 13.09.2022 ought to have been complied with.

3. However in the interest of justice and as a last chance four weeks' more time is granted to the applicant/petitioner to comply with the order dated 13.09.2022, failing which he will have to surrender and undergo the sentence.

4. MA stands disposed of accordingly.

5. Consequently, IA No.155568/2022 also stands disposed of."

4. After the dismissal of SLP against the impugned order, by the Hon'ble Supreme Court on merit and thereafter time was granted twice to deposit the payment, filing of the review petition before this Court is a

complete misuse of judicial process.

5. Accordingly, finding no merit in the application as well as in the review petition, the same are dismissed for devoid of merits.

(SURESH KUMAR KAIT)
JUDGE

(SANJEEV NARULA)
JUDGE

JANUARY 13, 2023/ab

