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

+ **W.P.(C) 3271/2008**

DHARAM RAJ

..... Petitioner

Through: Counsel for the petitioner (appearance
not given).

versus

U.O.I & ORS

..... Respondents

Through: Mr Dev P. Bhardwaj, CGSC for
UOI/R-1 and R-2 with Ms Anubha
Bhardwaj and Mr Jatin Teotia,
Advocates.

Ms Divya Pande, Advocate for R-3.

Ms Arti Bansal, ASC, DDA with Mr
Ashutosh Nandan Atrey, Advocates
for R-4/DDA

Mr Manish Jain, Ms Sougata
Gangoly, Ms Rachna Maheshwari,
Mr Rukban Tyagi, Ms Seema Kumari
and Mr Gaurav, Advocates for
respondent no.5, 6 and 7.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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24.01.2020

CM APPL. 2829/2020

1. Allowed, subject to all just exceptions.

**REVIEW PET. 22/2020 & CM APPL. 2827/2020 & CM APPL.
2828/2020**

2. The petitioner (through his legal representatives) has filed the present petition, *inter alia*, praying as under:-

“i) allow this petition and review the impugned Judgment dated 25.02.2019, as passed by this Hon’ble Court at New Delhi in Writ Petition (Civil) No.3271 of 2008, and restore the Impleadment Application dated 14.01.2016.”

3. The review petitioners had filed an impleadment application (CM No. 1901/2016), which was dismissed by an order dated 18.11.2016.

4. The review petitioners (applicants) claimed that they had interest in the property bearing no. 44, Rampuri, Harijan Colony, Kalkaji, New Delhi (hereafter ‘the property in question’) and therefore, they ought to be impleaded. The above captioned petition was filed by the elder brother of the review petitioner. The controversy in the petition related to a strip of land measuring 100 sq. yards, adjacent to the property in question.

5. The applicants (review petitioners) claimed that they had not relinquished their rights in the property in question in favour of the petitioner. The said application was rejected on the ground that the applicants were not recorded lessees of the property in question. It is also noted that they had executed a Relinquishment Deed dated 18.09.1981(hereafter the ‘Relinquishment Deed’). The Court further observed that although a cancellation of the Relinquishment Deed had been sought for; however, the applicants, at the material time, did not have any right, title or interest in the property in question. The Court further observed that if the suit filed by the applicants was decided in their favour and the Relinquishment Deed was set aside or cancelled, all consequential effects would inure to the benefit of the applicants.

6. The applicants rely on the observations made by the Court that in case the suit is decided in their favour, they may then have a right and may enforce the same in accordance with law.

7. The said order was not challenged and the applicants were not impleaded in the above captioned petition. The above petition was heard on merits and no fault was found with the decision of the concerned authority of the respondent in converting the property from leasehold to freehold. The petitioner's claim, that he was entitled to allotment of additional land, was dismissed as been unmerited.

8. The applicants state that since they have now prevailed in the suit between the applicants and the petitioner in the present petition and therefore, they should now have a fresh hearing and be heard on the claim as set up by the petitioner. Clearly, the said contention is unmerited. It is relevant to note that the applicants had sought impleadment as respondents and the petitioner's claim was dismissed on merits.

9. The petitioner claimed his right in regard to the additional strip of land measuring 100 sq. yards by virtue of being the owner of the property in question, which he claimed he had inherited from his father. The question whether any claim could be made on the additional strip of land was considered and rejected. The applicants claim to be joint owners of the property in question along with the petitioner. However, since the claim for additional strip of land has been rejected on merits, the question of now reviewing the said decision on the ground that the applicants – who had not filed any petition – were not heard, does not arise.

10. It is also seen that the present review petition is highly delayed.

11. In view of the above, the review petition is dismissed both on merits as well as on limitation.

JANUARY 24, 2020
MK

VIBHU BAKHRU, J