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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 73/2020 and CM APPL. 7040/2020**

KANTA DEVI

..... Petitioner

Through: Mr. Ashok Kr. Soni, Advocate (M:
9999103404).

versus

HARI NATH JHA

..... Respondent

Through: None.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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24.02.2020

1. The present petition has been filed challenging the order dismissing the review application dated 10th December, 2019. The only ground on which the review has been dismissed is that it is beyond limitation. Ld. counsel for the Petitioner submits that the same was filed within the period of limitation as the time consumed in applying for the certified copy, has not been properly excluded by the Trial Court.
2. The suit for recovery was decreed vide judgement dated 21st October, 2019. The operative portion of the judgement/decreed reads as under:

“Relief

13. The suit of the plaintiff is decreed. Defendant is directed to pay a sum of Rs.5,40,000/- (Rupees Five Lacs Fourty Thousand) alongwith pendentlite and future interest @ 7% p.a. from the date of filing of the present suit till its realization.

Decree sheet be drawn accordingly and file be consigned to Records after due compliance.”

3. The Petitioner is stated to have applied for the certified copy of the order on 25th October, 2019 which was supplied to the Petitioner only on 14th November, 2019. Thus, a period of 20 days have elapsed in the preparation of certified copy. The review was filed on 9th December, 2019. Accordingly, the review appears to have been filed within the period of limitation and in any case, even if there is delay, it would not be more than 2 to 3 days.

4. This Court has put a query to ld. counsel for the Petitioner as to why the main judgment/decree was not challenged. Ld. counsel submits that the Petitioner has chosen to file a review as the Petitioner believes that it has a good case on merits in the review petition.

5. It is, accordingly, directed that the delay in filing the review application is condoned and the review application is directed to be heard on merits by the Trial Court. It is made clear that this Court has not given any opinion as to whether the Petitioner would get any benefit in the period of limitation, if the Petitioner chooses to file any appeal against the main judgement

6. With these observations the petition with all pending applications is disposed of. The next date of hearing i.e. 6th March, 2020 is cancelled.

PRATHIBA M. SINGH, J.

FEBRUARY 24, 2020
MR