

**RA-RS-65-2023 (O&M) in
RSA-1492-2006**

**SUMAC INTERNATIONAL LTD AND ANR.
VS
M/S GASES AND EQUIPMENTS (INDIA) PVT.
LTD. AND ORS.**

Present: Mr. A.K. Verma, review-applicant/appellant
in person.

1. This review application has been filed by the appellant in a finally decided Regular Second Appeal along with an application for condoning the delay of 534 days in filing the review application. The application for condonation of delay shall be considered, if found necessary.

2. After having lost in the trial Court, First Appellate Court, High Court and finally before the Supreme Court, the applicant has filed this review application.

3. The petition for special leave to appeal filed by the applicant was dismissed on 03.01.2022 with the following order:-

*“The special leave petition is dismissed.
Pending application stands disposed of.”*

4. The applicant has appeared in person, who has been heard at length. The applicant while referring to the interlocutory order passed by the Court during the pendency of the appeal submits that the High Court has permitted him to deposit the amount. It may be noted here that the applicant has filed a suit for grant of decree of possession by way of specific performance of the agreement to sell. All the three Courts held that the plaintiff was not ready and willing to perform his part of the contract and therefore, no decree for specific performance could be passed. Hence, until and unless such finding is set aside, the applicant cannot be permitted to deposit the balance amount. The next argument is that the argument is

factually incorrect as defendant No.1 contested the suit before the trial Court. Moreover, defendant No.4 has purchased the suit property. Even before the First Appellate Court, defendant No.1 and 4 were represented by the learned counsels. No doubt, before this Court, defendant No.1 was not represented, however, that would not make any difference as such because defendant No.4 has stepped into the shoes of defendant No.1.

5. Keeping in view the aforesaid facts, no ground to review the detailed judgment passed on 12.03.2020, is made out.

6. Dismissed accordingly.

7. Since, the review application has been dismissed on merits, hence, no further order on the application for condonation of delay is required to be passed.

September 28th, 2023

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**(ANIL KSHETARPAL)
JUDGE**