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

+ CM(M) 915/2019 & CM APPL. 18867/2025 STAY, REVIEW PET.
191/2025 REVIEW OF ORDER DT. 05.03.2025
DEVI CHARAN & ANRPetitioners

Through: Mr. Jai Sahai Endlaw and Mr. Ashish
Kumar, Adv.

versus

RANPAT SINGH & ORSRespondents

Through: Mr. Gurmeher S. Sistani and Mr.
Varun Mehlawat, Adv. for
respondent.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **15.04.2025**

1. This is a petition filed on behalf of respondent No. 1 for review of judgment dated 05.03.2025, passed by this Court in CM (M) 915/2019.
2. Sh. Sistani, learned counsel for the review petitioner submits that the claim of the petitioner before the trial court was only in respect of 305 sq. yards of land and as per the judgment passed by the learned trial court, respondent was directed to handover the vacant and peaceful possession of the suit property i.e. land measuring 305 sq. yards of property No. 1, Under Hill Road, Civil Lines, Delhi, as shown in red colour in the site plan Ex. PW-4/9, and in terms of the said judgment, decree was drawn only in respect of land measuring 305 sq. yards. It is submitted that the judgment and decree has attained finality, as the petitioners before this Court, never sought to challenge the said decree, which was only in respect to the area of 305 sq. yards. Rather, it is the respondents who have preferred Regular First Appeal,



which is pending before this Court and the during the pendency of the said appeal, petitioners have already taken the possession of said 305sq. yards of land. Learned counsel further submits that the order dated 05.04.2019 passed in Execution No. 1089/2018 duly records that “it is an admitted fact between the parties that Decree Holder has obtained the decree dated 16.04.2018 for possession of the area of 305 sq. yards as per site plan Ex. PW-4/9” and also recorded the submission of the Judgment Debtor that “Respondent was in possession of area of more than 305 sq. yards in the above-mentioned premises.” It has also been recorded in the said order that both parties agreed that before the Bailiff is appointed, they shall together carry out the actual measurement of the premises in question in possession of the Judgment Debtor.

3. It is argued that this Court has been misled to believe that the executing court has acted beyond the decree and by ordering to handover the possession, has exceeded its jurisdiction. It is argued that the executing court has strictly complied with the decree in letter and spirit and has ordered the handing over the possession of 305 sq. yards area as described in the decree sheet.

4. It is further argued that instead of filing a separate suit, respondents have made claim over the additional area of 100 sq. yards, which is beyond the area mentioned in suit as well as in the judgment and decree dated 16.04.2018 as well as the order dated 25.04.2019 passed by the executing court.

5. The review petition has been opposed by Mr. Endlaw, learned counsel for the respondent, while drawing the attention of the Court to Para No. 42 of the judgment of the trial court dated 16.04.2018, wherein, the trial court



found that site plan Ex. PW-4/9 was proved as un-rebutted by the defendants. He submits that decree for possession has been passed in respect of portion marked with letters “E”, “F”, “G” & “H”, as shown in red colour in the site plan of the property. He further submits that the identification of such boundaries is a sufficient identity of the property, even though, the size of the property is described as 305 sq. yards was ultimately found to be more than that. It is argued that decree having been passed for the possession of land identified as “E”, “F”, “G” & “H” in the site plan, the said decree must be executed in terms of the same as also held by this Court vide order dated 05.03.2025. Learned counsel also submits that review petitioners are just taking a second chance of arguments by filing the review application in respect of the aspects already dealt and decided by this Court, and therefore, the present review petition is not maintainable.

6. It is a settled law that review has limited purport. Under the guise of the review, the review petitioner cannot be permitted to re-agitate and re-argue the questions which have already been addressed and decided. The review cannot be allowed to be an “appeal in disguise”. The contentions raised and decided in the main proceedings cannot be re-opened and re-agitated under the guise of review petition. The scope of review is for review of “error apparent only” and not to review the judgment even if the parties are in a position to satisfy the court that the order under review is an erroneous order.

7. All the contentions, as raised in the review petition, were considered, more particularly, in Paras No. 8 to 11 of the order dated 05.03.2025. The same cannot be reagitated now. Thus, I find no error apparent on the face of the record. There is no merit in the review petition.



8. Review Petition is accordingly dismissed.

RAVINDER DUDEJA, J.

APRIL 15, 2025

RM