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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 153/2022 & CM APPL. 30822-30823/2025**
ARVIND KUMAR & ORS.Petitioner

Through: Mr. S.S. Dahiya, Advocate

versus

HARIJAN SEWAK SANGH & ANR.Respondent
Through: Mr. Mukti Bodh, Advocate

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
20.05.2025

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CM APPL. 30821/2025 & REVIEW PET. 316/2025

1. Mr. S.S. Dahiya, learned counsel for applicant/petitioners has moved the aforesaid application. He submits that the previous counsel was not instructed to make any statement regarding undertaking from the side of petitioners to vacate the premises in question.
2. He also submits that the previous counsel did not bring it to the knowledge of this Court that the petitioners were rather not inclined to pursue with their present petition, whereby, their request for impleadment in the Execution Petition had been denied. It is submitted that after such dismissal of their application moved under Order I Rule 10 CPC, the petitioners have already filed an independent Objection Petition under Order XXI Rules 97,101, 103, 104 CPC read with Section 151 CPC. Such Objection Petition was filed by them since they were in possession of the suit premises. It is submitted that learned Executing Court has already sought reply from the



decree holder with respect to the aforesaid Objection Petition and in such a peculiar backdrop, the previous counsel should not have made any statement, that too without instructions, to vacate the property within a period of six months.

3. Learned counsel for respondent appears on advance and does admit that petitioners have filed an independent Objection Petition. He, however, submits that it is not believable that Mr. Dutta would make a statement without taking any instructions.

4. Fact remains that Mr. S.S. Dahiya seems very categorical in his submissions and reiterates that once the order is reviewed, he would not even press for the present main petition and the petitioners would also render due assistance to the learned Executing Court for the purpose of expeditious disposal of the aforesaid Objection Petition.

5. Having heard the learned counsel for parties and after going through various orders, it becomes apparent that the petitioners have, in fact, already filed an independent Objection Petition and such fact was not brought to the knowledge of this Court.

6. Petitioners herein were, earlier, aggrieved by their non-impleadment in the Execution Petition but as per Mr. S.S. Dahiya, in terms of the specific instructions, petitioners are not interested in pursuing the present petition and, therefore, he seeks that aforesaid order dated 29.04.2025 may be reviewed.

7. Learned counsel for respondents leaves it to the Court to pass appropriate order while supplementing that Objection Petition also has no substance.

8. Be that as it may, keeping in mind overall facts of the case and in particular the fact that petitioners have already filed an independent Objection



Petition in March, 2025 and such fact was never brought to the knowledge of this Court, finding that there is an error apparent on the face of record, review application is allowed and thus, the original petition i.e. CM(M) 153/2022 stands restored. Consequently, the undertaking as recorded in order dated 29.04.2024 also goes.

9. Mr. S.S. Dahiya, learned counsel for petitioners submits that since the petitioners have already filed aforesaid Objection Petition under Order XXI Rules 97, 101, 103, 104 CPC read with Section 151 CPC, they are, no longer, interested in pursuing with their present petition. Such fact has also been very clearly mentioned in the Review Petition in Para-3 and it is stated that even the previous counsel had been requested to simply withdraw the petition and it seems that he could not convey the aforesaid request in the desired manner.

10. In view of the above the statement made today by Mr. S.S. Dahiya, learned counsel for petitioners, the present petition i.e. CM(M) No. 153/2022 is disposed of as not pressed.

11. Needless to say, petitioners herein would render due assistance and co-operation to the learned Executing Court so that their application, as above, is disposed of, as expeditiously as possible.

12. All the rights and contentions of the parties are left open.

MANOJ JAIN, J

MAY 20, 2025/dr/shs