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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RFA(OS) 50/2024, CM APPL. 57691/2024-Delay 55 days, CM
APPL. 57692/2024-Stay, CM APPL. 57693/2024-Delay 25 days in
re-filing

SHRI MAHINDER SINGH

.....Appellant

Through: Mr. P.P. Singh Bhati, Mr. Akashdeep
Pandey and Ms. Neha Bhati,
Advocates.

versus

SMT. JASWANT KAUR (DECEASED) AND ORSRespondents

Through: Mr. Pawanjit Bindra, Sr. Advocate
with Mr. Vivek Sharma, Ms. Purnima
and Mr. Vikas Sharma, Advocates.
Mr. Kuljeet Singh, Advocate for R-1

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

20.02.2025

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1. The present appeal under Section 96 of the Code of Civil Procedure, 1908 (CPC) read with Section 10 of the Delhi High Court Rules, seeks to assail the judgment and decree dated 14.05.2024 passed by the learned Single Judge in CS (OS) No. 1201/2012. Vide the impugned judgment, the learned Single Judge has allowed the application under Order XII Rule 6 of CPC filed by the respondents/ defendant nos.3 to 6 and consequently dismissed the suit for partition, possession and permanent injunction preferred by the appellant/ plaintiff.

2. After some arguments, learned counsel for the appellant submits that since there is a factual error in the impugned order in recording of the stand taken by Sh. Kuljeet Singh, which he contends has been incorrectly recorded by the learned Single Judge, the appellant instead of pressing the present



appeal at this stage, will approach the learned Single Judge by way of a Review Petition.

3. The appeal, alongwith the accompanying applications, is accordingly disposed of as not pressed with liberty to the appellant to file a Review Petition before the learned Single Judge. We further direct that if a Review Petition is filed by the appellant within one week from today, the same will be considered by the learned Single Judge on merits and not rejected on the ground of delay.

4. Needless to state, in case the appellant is still aggrieved by the order passed by the learned Single Judge, it will be open for the appellant to approach this Court on all grounds permissible under law, including but not limited to the grounds raised in the present appeal.

5. Needless to state, this Court has not expressed any opinion on the rival submissions of the parties.

REKHA PALLI, J

SAURABH BANERJEE, J

FEBRUARY 20, 2025/akr