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

+ **W.P.(C) 9129/2018**

RAJ KUMAR AND ORS.

.....Petitioners

Through: Mr. Rupesh K Singha & Mr. Ujjwal
K Priyadarshi, Advs.

versus

SACHE RAM AND ORS.

.....Respondents

Through: Mr. Sandeep Verma, Adv. for R1.

CORAM:

HON'BLE MR. JUSTICE AVNEESH JHINGAN

ORDER

05.12.2025

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1. This petition is filed seeking quashing of orders dated 09.03.2018 and 29.05.2018, dismissing the revision petition for non-prosecution and dismissing the application for recalling of the order dated 09.03.2018 respectively.
2. The short grievance raised in this petition is that due to the conduct of the learned counsel for the petitioners, the revision petition could not be pursued and was dismissed for non-prosecution.
3. Learned counsel for the respondents vehemently opposes the prayer and submits that the matter is being intentionally delayed and two parallel remedies are being availed by the petitioners one by way of filing a civil suit and the other by keeping the revision in the present case pending.
4. At this stage, learned counsel for the petitioners, on instructions from the client present in court identified by learned counsel, submits that no unwarranted adjournment would be taken and an opportunity be granted to



the petitioners.

5. The Supreme Court in **Rafiq & Anr. v. Munshilal & Anr. (1981) SCC 788** has held that considering the legal system in the country, a party should not be made to suffer because of the conduct of the counsel.

6. Taking into account that the matter has not been dealt with merits and that it has been recorded in the impugned order that the learned counsel for the petitioners failed to appear despite repeated opportunities, the impugned orders are set aside and the matter is remitted to the Revisional Authority to decide the revision on merits expeditiously not later than three months from the receipt of the certified copy of the order.

7. It is clarified that no further unwarranted adjournment shall be granted to either of the parties.

8. The petition is disposed of in the aforesaid terms.

AVNEESH JHINGAN, J

DECEMBER 5, 2025

Ch