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

+ **CS(OS) 2453/2015**

SARVINDER SINGH & ANR

.....Plaintiffs

Through: **Mr. Abhishek Aggarwal, Advocate.**

versus

VIPUL TANDON

.....Defendant

Through:

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% 29.08.2025

I.A. 20846/2025 (Exemption)

Allowed, subject to all just exceptions.

REVIEW PET. 447/2025

1. The present Review Petition has been filed by the Plaintiffs seeking review of the Judgment dated 08.07.2025 with the following prayers:

“a. That the Hon'ble Court may kindly decree the suit qua mesne profits in respect of the admissions made by the defendant in para 14 of Reply on merits of the written statement filed in CS (OS) 2453 of 2015;

b. That the Hon'ble Court may kindly order for corrections as sought in para 2 of the present petition.

c. Such other and further orders as this Hon'ble Court may deem to be fit and just under the facts and circumstances of the present case may kindly be passed.”



2. Learned Counsel for the Plaintiffs points out that two errors have been crept in the Judgment dated 08.07.2025 passed by this Court in CS(OS) 2453/2015. He states that Paragraph No.5(f) of the judgment records that the Suit Property was earlier in the tenancy of one R.S Chitnis and was illegally sold by the Defendant to one Smt. Renu Agarwal by forging the signatures of the Plaintiff's mother and got the documents executed for sale of the said flat. He states that it was not the Suit Property but another portion within the same complex bearing No.27 Rajpur Road, i.e., one flat on first floor which was under the tenancy of Mr. R. S. Chitnis sold to Ms. Renu Aggarwal. In view of the said submission, Paragraph No.5(f) of the Judgment dated 08.07.2025 is modified to the aforesaid extent.

3. Learned Counsel for the Plaintiffs further states that Paragraph No.25 of the judgment records that the Plaintiffs in this case are claiming mesne profit from the date of filing of Suit, i.e., from 06.08.2015 till possession, i.e., 17.07.2018, at the rate of Rs.2,00,000/- per month along with interest @ 15% p.a. He states that the date of possession as recorded in the judgment i.e., 17.07.2018 is incorrect and the correct date of possession is 06.12.2018. In view of the said submission, Paragraph No.25 of the Judgment dated 08.07.2025 is modified to the aforesaid extent.

4. Learned Counsel for the Plaintiffs further contends that in the Written Statement, the Defendant has stated that the Suit Property cannot fetch more than Rs.5,000/- per month which amounts to an admission and, therefore, at least decree for a sum of Rs.5,000/- per month for the period from 06.08.2015 to 06.12.2018 i.e., Rs.2,00,000/- and interest thereon be passed. This contention of the Plaintiffs does not amount to an error apparent on the face of the record. The fact that the Defendant has stated that the Suit



Property cannot fetch more than a sum of Rs.5,000/-, the same does not amount to an admission for a decree under Order XII Rule 6 of CPC. It is for the Plaintiffs to prove the rent and a mere guesswork is not sufficient. The said contention is, therefore, rejected.

5. With these observations, the Review Petition is disposed of, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

AUGUST 29, 2025

S. Zakir