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

\+ W.P.(C) 4208/2006(*Disposed of*) & CM APPL. 23730/2026

SHAKUNTALA SHARMA ....Petitioner

Through: Mr. Ankit Sinsinwar, Mr Ravi Kumar, Advs.

versus

D.D.A. .....Respondent

Through:

Mr. Ved Prakash Sharma, Ms Amrit Kaur Oberoi, Ms. Suteekshna Dubey, Advs. for R3

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

<u>O R D E R</u>

% **13.04.2026**

<u>REVIEW PET. 170/2026</u>

1. This is petition filed under Section 114 read with Order XLVII Rule 1 of the CPC, 1908, on behalf of the respondent No. 2 seeking review of the Order dated 02.04.2026 passed in W.P.(C) 4208/2006.

2. The review petition is primarily predicated on paragraph No. 1 of the petition, which reads as under:

> *"1. That the Applicant/ Respondent No.2 is constrained to seek review of the order dated 02.04.2026 passed by this Hon'ble Court and uploaded on 08.04.2026, in the above noted writ petition thereby giving benefit to the Petitioner under Section 14 of the Limitation Act and recording its satisfaction with respect to due diligence on the part of the Petitioner in pursuing her legal remedy in the Court without jurisdiction, leading to error apparent on the face of record, which would gravely prejudice the case of Applicant/*

Respondent No.2. The Applicant/ Respondent No.2 is making the present petition for review with respect to the observation made by this Hon'ble Court regarding Section 14 of Limitation Act in the order dated 02.04.2026 passed by this Hon'ble Court in W.P.(C) No.4208 of 2006 titled as Smt. Shakuntla Sharma Vs. Delhi Development Authority & Anr. on the grounds mentioned herein. Copy of the order dated 02.04.2026 passed in W.P.(C) No.4208 of 2006 is annexed herewith and is marked as Annexure-X."

3. Mr. Sharma, learned counsel for the respondent No. 2, has drawn my attention to the judgment ***Deena v. Bharat Singh, (2002) 6 SCC 336,*** and more particularly on its paragraph Nos. 14 and 17 which read as under:

"14. *The main factor which would influence the court in extending the benefit of Section 14 to a litigant is whether the prior proceeding had been prosecuted with due diligence and good faith. The party prosecuting the suit in good faith in the court having no jurisdiction is entitled to exclusion of that period. The expression "good faith" as used in Section 14 means "exercise of due care and attention". In the context of Section 14 the expression "good faith" qualifies prosecuting the proceeding in the court which ultimately is found to have no jurisdiction. The finding as to good faith or the absence of it is a finding of fact. This Court in the case of Vijay Kumar Rampal v. Diwan Devi [AIR 1985 SC 1669] observed: (AIR p. 1670, para 3)*

"The expression good faith qualifies prosecuting the proceeding in the court which ultimately is found to have no jurisdiction. Failure to pay the requisite court fee found deficient on a contention being raised or the error of judgment in valuing a suit filed before a court which was ultimately found to have no jurisdiction has absolutely nothing to do with the question of good faith in prosecuting the suit as provided in Section 14 of the Limitation Act."

*1**7.** The trial court and the first appellate court based their findings on the question of good faith on the evidence led by the parties and the law laid down by this Court in the case of Rabindra Nath Samuel Dawson [(1973) 3 SCC 381 : AIR 1972 SC 730] in which it was held that a person who has registered the objection regarding non-joinder of parties at the initial stage and also at the revisional stage and taken the risk of proceeding with the suit without impleading the necessary parties cannot be said to have acted in good faith taking due care and attention; consequently, such person will not be entitled to the benefit of Section 14 of the Act for excluding the time spent by him in that proceeding in a fresh suit. In the present case concededly the objection regarding non-impleadment of necessary party was taken in the written statement. Despite such objection the plaintiffs chose to prosecute the suit. Indeed they succeeded in the trial court and the matter was pending before the first* *appellate court when the petition under Order 23 seeking withdrawal of the suit with permission to file a fresh suit for the same relief was filed by them. Therefore, the trial court and the first appellate court were right in holding that the plaintiffs were not entitled to exclusion of the period between 21-3-1980 to 15-2-1982 under Section 14 of the Limitation Act as claimed and that the suit was barred by limitation. The High Court in the impugned judgment has not discussed the materials on the basis of which the courts below recorded the finding of fact relating to lack of good faith on the part of the plaintiffs. It has also not discussed the reason for taking a contrary view on that question. The concurrent decisions of the courts below have been reversed with a general observation that on the facts and circumstances of the case the plaintiffs were entitled to exclusion of the period under Section 14 of the Limitation Act as claimed. Therefore, the judgment of the High Court is clearly unsustainable."*

4. He also relies on paragraph No. 21 of the judgment of ***Consolidated Engg. Enterprises v. Irrigation Deptt., (2008) 7 SCC 169,*** which reads as under:

"21. Section 14 of the Limitation Act deals with exclusion of time of proceeding bona fide in a court without jurisdiction. On analysis of the said section, it becomes evident that the following conditions must be satisfied before Section 14 can be pressed into service:

(1) Both the prior and subsequent proceedings are civil proceedings prosecuted by the same party;

(2) The prior proceeding had been prosecuted with due diligence and in good faith;

(3) The failure of the prior proceeding was due to defect of jurisdiction or other cause of like nature;

(4) The earlier proceeding and the latter proceeding must relate to the same matter in issue and;

(5) Both the proceedings are in a court."

5. However, the contours of the allowing a review petition are well settled. I am of the view that there is no error apparent on the face of the Order dated 02.04.2026 passed by this Court.

6. The cogent reasons for observing that the petitioner is entitled to apply for benefit of Section 14 of the Limitation Act, 1963, is contained in paragraph Nos. 16 and 17 of the Order, which read as under:

"16. The Court in writ jurisdiction is not in a position to adjudicate the disputed question of facts including but not limited to whether the letter dated 19.10.2000 was executed under duress and coercion by the petitioner; whether the complaint dated 08.11.2000 of the petitioner is genuine and whether the petitioner applied for two flats and after allotment of the Vasant Vihar flat and having sold the same to respondent No.2 is seeking allotment of another flat. The disputed questions are beyond the scope of the present writ petition.

> *17. For the said reasons, the writ petition is disposed granting liberty to petitioner to file a civil suit in this regard. Since, the petitioner has been prosecuting the writ petition with due diligence, the petitioner is entitled to apply for the benefit of Section 14 of the Limitation Act, 1963."*

7. I have considered that the petitioner was in a bona fide manner pursuing the writ petition and since this Court was of the opinion that there were disputed questions of fact involved in the petition for which detailed evidence would be required, the benefit of Section 14 of the Limitation Act, 1973 was granted.

8. For the said reasons, the judgments relied upon by Mr. Sharma, learned counsel, are not applicable in the present case for seeking review of the Order. The Order suffers from no error apparent on the face of record and consequently no ground for review of the Order is established by the applicant.

9. The review petition is filed without establishing any ground within the confined scope of review, and fleetingly, is disputing the findings of this Court. These kinds of petitions are bereft of merit and consume substantial time of this Court for adjudication and in this view the petition is dismissed with cost of Rs. 10,000/- to be paid to Delhi High Court Bar Association.

JASMEET SINGH, J

APRIL 13, 2026/AS