

Suit No-612188/16

Jaspal Kaur Sethi v/s Surinder Singh

16.09.2019

4 PM.

Present: None.

Defendant has moved an application seeking review of the order dated 06.01.18. Said application was filed on 23.03.2018. Hence, it is accompanied with another application seeking condonation of delay in filing review application.

Firstly, the application seeking condonation of delay is taken up for consideration. It is stated in the application that there is delay of 42 days in filing review application because defendant is a senior citizen and suffering from various ailments. Due to illness, defendant could not approach his counsel and therefore, the review application could not be filed within time. It is stated that in these circumstances, delay in filing the review application may be condoned.

Perusal of the record shows that after 06.01.18, matter was listed for 17.04.18 and review application has been filed by defendant in between. Further, considering the fact stated in the condonation of delay application and in the interest of justice, delay is condoned and review application is taken up for consideration.

In the review application, the defendant has reiterated the stand taken in the written statement. It is reiterated that defendant is not a tenant under plaintiff, however, under Sh. H.S Sethi who is relative of the plaintiff. It is further stated in the application that defendant is regularly paying rent to Sh. H.S Sethi. However, in the written statement, defendant has nowhere mentioned that he has been paying rent to Sh. H.S Sethi. In the written statement, defendant has only pleaded that Sh. H.S Sethi is his landlord.

An order can be reviewed if there is any subsequent fact which has come to the knowledge of the applicant or if there is

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an error apparent on record. In the present case, there is no subsequent fact which has come to the knowledge of the defendant. It is also admitted that defendant is occupying the suit property as tenant. Defendant has nowhere pleaded in the written statement that he has regularly paid rent to Sh. H.S Sethi. Perusal of the record shows that on 06.01.18, defendant has admitted monthly rate of rent and admitted that rent is not paid since March 2016. It is averred during arguments that defendant did not understand the query put by the court and under misunderstanding he has made said submission.

Perusal of the order dated 06.01.18 shows that defendant has given reasons also for not paying rent to the plaintiff since March 2016. Further, defendant has also made request for paying arrears of rent by way of installment which was accepted by plaintiff. All these submissions show that defendant was clearly understanding the implication of his submissions. Entire reading of the order will show that defendant has made submissions before court only after understanding queries put by court. Hence, no ground for review is made out.

Further, directions are only to deposit rent in the court. Therefore, even if Sh. H.S Sethi is landlord as pleaded by defendant then the rent can be released accordingly. It is an admitted case that defendant is occupying property as tenant, therefore, no prejudice will be caused to the defendant by depositing rent in the court. Application seeking review is dismissed.

Be listed for arguments on the remaining pending applications on 03.12.2019.

Sugandha Aggarwal
ADJ/West/Delhi
16.09.2019