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

+ **CS(OS) 452/2019**

TANI SANDHU BHARGAVA

..... Plaintiff

Through: Mr. Laksh Khanna, Advocate.

versus

SHUMITA DIDI SANDHU

..... Defendant

Through: Mr. Hukum Chand Sulhja & Mr.
Anurag Vashisht, Advocates.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **10.04.2024**

REVIEW PET. 81/2024 (u/S 114 r/w Section 151 of CPC, 1908)

1. By way of present application, the Review Petitioner/defendant in the Suit seeks review of the Judgment dated 22.01.2024.
2. It is submitted in the application that the impleadment Application bearing No. I.A. 13850/2021 was filed by Late Smt. Zoya Mohan Nursingh to be represented by her legal heirs, Ishan Mohan. Another impleadment Application bearing No. I.A. 11075/2022 was filed on behalf of Ms. Salina Singh Sandhu, daughter of Late Shri Sanjay Singh Sandhu moved by Smt. Rajni Tyagi, her maternal grandmother which had been dismissed *vide* common Order dated 22.02.2021.
3. It is submitted that although the defendant had not contested the aforesaid applications for impleadment but there are certain errors apparent in the Order which may cause prejudice to the defendant in propagating her



defence and, therefore, these errors may be rectified.

4. It is stated that in Paragraph-36 of the Judgment dated 22.01.2024, the Court has recorded that “She (defendant) was only a permissive user who is liable to be evicted”. It is an erroneous observation of this Court which on the face appears to be an observation of the Court rather than the contention of the plaintiff. Therefore, the same be rectified and clarified that this is the version of the plaintiff.

5. The defendant has further submitted that in Paragraph-46 of the Judgment dated 22.01.2024, it has been erroneously recorded that the defendant was the mother of the applicant, Ms. Salina Singh Sandhu but was born from the wedlock of Late Sonam Singh Sandhu on account of her relationship with Sanjay Singh Sandhu and not born from the wedlock of the defendant with Sanjay Singh Sandhu .

6. It is, therefore, submitted that Paragraph-46 be deleted from the Judgment dated 22.01.2024.

7. A prayer is made that the necessary rectification of the error apparent on the face of the record be made in Paragraphs-36 and 46 of the Judgment dated 22.01.2024.

8. **Submissions heard.**

9. Insofar as the Paragraph-36 is concerned, it is apparent and is also clear, that “She (defendant) was only a permissive user who is liable to be evicted” is only what the case of the plaintiff was and there is no finding of the Court that the defendant is the permissive user who is liable to be evicted.

10. Furthermore, it is noted that Salina Singh Sandhu has been wrongly stated to be the minor of the daughter of the defendant from the wedlock



with her late husband, Late Shri Sanjay Singh Sandhu but she is fact the daughter of Late Sonam Singh Sandhu from her relationship with the defendant and has always been residing with the maternal grandmother. Therefore, the Paragraph-46 suffers from error of fact and is hereby deleted.

11. The Review Petition is accordingly disposed of.

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12. List on 29.04.2024, the date already fixed.

NEENA BANSAL KRISHNA, J

APRIL 10, 2024

S.Sharma