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

+ RFA (OS) No. 73/2016

PRAVEEN SINGH AND ANOTHER Appellants
Through Mr. Sumit Nagpal, Advocate.

versus

ABHISHEK KUMAR SINGH AND ANOTHER..... Respondents
Through Mr. Diwakar Kumar & Mr. Manoj
Shukla, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MS. JUSTICE PRATHIBA M. SINGH

ORDER

% **01.09.2017**

CM No. 30694/2017 & R.P. No. 343/2017

This is an application for review/recall of the order dated 25th May, 2017. As there is delay in filing of the review/recall application, CM No. 30694/2017 has been filed for condonation of delay.

2. The appeal RFA(OS) No. 73/2016 was heard on 25th May, 2017 and before the order could be dictated, parties had agreed on setting aside of the impugned order dated 25th July, 2016 passed by the single Judge decreeing the suit for recovery of Rs.83.50 lacs with interest @ 10% per annum from 1st November, 2012 till 31st August, 2016, and @ 15% per annum from 1st September, 2016 till the date of realisation. In view of the said position, we had refrained and not recorded our reasons.

3. As the counsel for the respondent, i.e., the plaintiff in the suit, had expressed apprehension that there would be delay, we had recorded that the single Judge would preferably frame issues on 4th July, 2017, to which the



respondent had agreed.

4. To protect the interest of the applicant-plaintiff, we had also recorded what was agreed and stated by the counsel for the parties in paragraphs (iv) and (v).

5. Learned counsel for the review applicant states that the issues were framed on 31st August, 2017 and dates of trial have been fixed.

6. Counsel for the review applicant, however, submits that he apprehends that the non-applicant would adopt dilatory tactics. Counsel for the non-applicant, who is present on advance notice, states that they do not intend and would not adopt dilatory tactics and would fully cooperate.

7. It is open to the applicant to rely upon the order dated 25th May, 2017 and press that the suit should be disposed of expeditiously.

8. During the course of hearing, the applicants accepts that the list of assets as required vide the order dated 25th May, 2017 has been filed by the non-applicant.

9. In view of the aforesaid position, we are not inclined to issue notice on the application for condonation of delay as we do not think the order dated 25th May, 2017 requires review or recall. The applications would be treated as dismissed with the aforesaid observations.

SANJIV KHANNA, J.

PRATHIBA M. SINGH, J.

SEPTEMBER 01, 2017
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