

09.12.2025

Present: Sh. Z.A Khan, Ld. Counsel for the plaintiff.  
Sh. Mohd. Zohaib, Ld. Counsel for the defendants.

On the last date of hearing, an application under the provision of order IX Rule 7 CPC had been preferred by the defendants seeking setting aside of ex parte order dated 20.05.2025.

The grounds taken in the application under Order IX Rule 7 CPC are that mother of the defendants is suffering from cancer and had to undergo surgery and the defendants were under severe financial hardship.

Reply to the said application filed by the plaintiff. However, during the course of the arguments, it is submitted by counsel for the plaintiff that keeping in view the extra-ordinary circumstances as pleaded in the present application, he has no objection, in case the said application is allowed subject to cost.

Under the circumstances, **the orders dated 20.05.2025 are recalled subject to a cost of Rs. 3000/- to be paid to the plaintiff and application under Order IX Rule 7 CPC is accordingly allowed.** *The defendants are granted 10 days time to file written statement and it is made clear that in case WS is not filed in the said, the right would once again stands automatically closed. Copy of WS be supplied in advance to counsel for the plaintiff, who may file his replication thereto. The parties are also directed to file their respective affidavits by way of admission and denial of documents before the NDOH.*

List the matter for framing of issues on **27.01.2026.**

(Sachin Sood)  
DJ-01 (Central)  
THC, Delhi/09.12.2025