

24.04.2026

Present: Sh. Shekhar Sharma, Ld. Proxy Counsel for the plaintiff
Sh. Alok Pandey (through VC) appearing for plaintiff.
Sh. Lokesh Kumar and Sh. S. K. Sharma, Ld. Counsel for
the defendants.

Reply to the application under Order IX Rule 7 CPC filed.
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Arguments heard on aforesaid application. Case file perused.

It is stated in the application that defendant could not appear before the Court on date fixed i.e. 13.02.2026 as some of his relative has expired and therefore, for his non appearance, he was proceeded as Ex-Parte vide order of even date.

Ld. Counsel for the defendant further submitted that for the non appearance of the defendant, PW-1 was also discharged vide order dt. 13.01.2026 so defendant be allowed to cross examine PW-1 and Order dt. 13.02.2026 be set aside.

Plaintiff opposed the application stating that no sufficient cause has been shown for setting aside order dt. 13.02.2026. Even plaintiff has not placed on record, the death certificate of the relative, who has expired.

During the course of arguments, Ld. Counsel for plaintiff

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submitted that if this Court is inclined to allow the application and further allow the defendant to cross examine PW-1, then heavy cost may be imposed upon the defendant in addition to the earlier cost.

Considering the fact and in view of submission made by Ld. Counsel for plaintiff, the order dt. 13.02.2026 whereby the defendant was proceeded Ex-Parte is set aside. Further, the defendant is also allowed to cross examine PW-1 subject to cost of Rs.15000/- to be paid to the plaintiff, which is in addition to the cost already imposed upon the defendant.

The aforesaid application is disposed off.

Put up for payment of cost and for cross examination of PW-1 on **01.07.2026**.

(Ravinder Singh-I)
District Judge-03
East District, KKD Courts,
Delhi, 24.04.2026