

**MISC. DJ NO. 671/18**  
**KAMLA DEVI**  
**VS.**  
**KAILASH KUMARI SHARMA**

25.01.2021

Present : Sh. Narender Bhandari, Ld. Counsel for the  
petitioner/JD.

Sh. Nagender Kumar, Ld. Counsel for the  
respondent/DH.

Sh. Bhandari states that the application under Order 9 Rule 13 CPC for setting aside ex-parte judgment and decree dated 15.03.2018 has been moved on the ground of no service effected on the petitioner/JD, moreover, there is a delay of approximately 20 days and that can be accounted for the reason of the JD being ill as old lady and even busy in looking after her niece in Ganga Ram Hospital, Delhi and further she was not aware the suit proceedings, though, counsel appeared only on one date. Only on the other hand, Sh. Nagender Kumar submits that this cannot be a ground for condonation of delay. It appears that the record of the original Suit No. 34/55/2016 filed in the Court of the then Ld. ADJ Ms. Shuchi Laler has not been summoned for looking into the aspect of valid service to the petitioner/JD. Let the record be summoned on furnishing appropriate details and PF by Sh. Bhandari for further arguments on the application under Order 9 Rule 13 CPC on

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01.04.2021. Steps within a week. Last opportunity is given.

Sanatan Prasad  
Additional District Judge-01  
(East)/KKD/Delhi/25.01.2021