

MISC DJ 735/26 Mukesh Harzani vs. Rahul Kumar

04.06.2026.

Present: **Mr. Rajesh Kaushik**, Ld. Counsel for applicant.

Main file is received.

Heard. This is the application under Order 9 Rule 9 CPC and present suit is prayed to be restored. This suit was dismissed in default and for non-prosecution vide order dated 13.03.2026.

It is stated in the application that on the previous date the counsel for the plaintiff was occupied in other matters and on 13.03.2026, the counsel inadvertently missed the date of hearing and therefore, could not appear before the Court.

Heard. Perused. The suit was dismissed in default on 13.03.2026 due to non-appearance of the plaintiff despite repeated calls. Before this date, none had appeared on behalf of plaintiff for 2 consecutive dates. Thus, the explanation furnished in the application appears to be not satisfactory. However, considering that the case ought to be decided on merits rather than on technical ground and in the interest of justice, this Court is of the view that an opportunity deserves to be granted to the plaintiff to proceed with the present suit. Hence, **the application under Order 9 Rule 9 CPC is allowed subject to deposit of cost in the sum of Rs. 5000/- by the plaintiff into the account of Civil & Sessions Court Stenographers Association, Delhi bearing A/C No. 0613000100079946, IFSC Code: PUNB0061300, Branch: PNB, Gokhale Market, Delhi.**

Subject to the deposit of the receipt of the cost, issue summons for appearance to the plaintiff in prescribed proforma under Order 37 CPC for 29.08.2026. Report obtained from internet in respect

-2-

of the service to defendants through Speed Post be placed on record by the counsel for the plaintiff.

Ahlmad is directed to restore the main suit to its original number.

Ahlmad is also directed to tag the present misc. application alongwith the main case file.

(Aanchal)
District Judge-03, Rohini Courts
North District, Delhi
04.06.2026(amt)