

**SH. SURENDER KUMAR ARORA
Vs.
M/S DECISIVE EXPORTS
PVT LTD**

02.01.2024

Present: Appellant in person.
Mr. Vikesh Rathi, Ld. Counsel for the respondent.

ORDER

1. Appellant in person seeks an adjournment on the ground that his counsel is not available today as he is busy in Hon'ble High Court of Delhi.
2. Ld. Counsel for the respondent vehemently objects to the adjournment and submits that the vacations in the Hon'ble High Court of Delhi is still continuing and submits that the appellant has taken a false ground to seek adjournment. It is also stated that the present appeal is not maintainable u/s 96 CPC as by way of present appeal the appellant is seeking setting aside of order dated 28.11.2018 whereby the Ld. ACJ cum SCJ-ARC had struck off the defence of defendant/appellant on the ground of non-payment of rent as awarded by the Ld. ACJ cum SCJ-ARC while deciding an application u/o 39 Rule 10 CPC on 06.04.2018.
3. Heard. Record perused.
4. No ground is made out for adjournment. However, in the interest of justice, adjournment is allowed subject to cost of

Rs.5,000/- to be paid to the respondent. Ld. Counsel for the appellant is given last and final opportunity to clarify the objection raised by the respondent.

5. Be put up for clarifications/arguments on the present appeal on **07.02.2024**.

6. *Let TCR be sent back and it be requisitioned two days prior to the next date of hearing.*

Shivali Bansal
ADJ-03, Rohini Courts
North District, Delhi
02.01.2024