

CS 2320/16

AMIT GROVER Vs. PANKAJ KATYAL AND ORS

27.02.2023

Present: Sh. Sumit Sarna, Id. Counsel for plaintiff.
Sh. Rajesh Sharma, Id. Counsel for defendants
(counter claimant).

An application u/o 9 rule 7 r/w section 151 CPC for setting aside ex parte order dated 26.07.2022 filed on behalf of defendant (counter claimant).

Counsel for the plaintiff submits that he does not wish to file any reply to the aforesaid application as the ground mentioned in the application is personal as the counsel for the defendant (counter claimant) was not well and he does not oppose the application. He further submits that he has no objection in case the said application is allowed.

Heard.

It is well settled law that the case should be decided on merits.

In view of well settled law and also no objection given by the counsel for the defendant and for reasons mentioned in the application, ex parte order dated 26.07.2022 is hereby set aside.

Application u/o 12 rule 6 CPC filed by the counter claimant is also restored.

Part arguments on application u/o 12 rule 6 filed by the plaintiff and also by the counter claimant heard.

List for further arguments on the aforesaid application on 29.03.2023 at 11:30 AM.

(Arun Goel)
ADJ-03, Shahdara
KKD Courts, Delhi
27.02.2023