

8

CS DJ ADJ 16370/16

RAVINDER PARKASH JAIN ORS Vs. MAHIPAL SINGH ORS

**03.02.2024**

Present: Sh. Karandeep Singh, Ld. Counsel for  
Plaintiff through VC.  
Sh. Deepak Kumar, Ld. Proxy Counsel for  
Defendant no. 1.  
Ms. Rashmi Singh and Sh. Vivek Yadav, Ld.  
Counsels for Defendant no. 2.

An application under Order IX R 7 of CPC was filed  
on behalf of Defendant no. 2 on the last date of hearing.

Same is taken on record.

Arguments heard.

The said Defendants were served by way of  
publication. Due to non appearance after service by way of publication, they  
were proceeded ex-parte due to non appearance after one date.

In such matters, the Courts would adopt a liberal and  
lenient approach especially when not much time has elapsed and moreover,  
the present application has also been moved without any undue delay. I find  
that sufficient diligence has been shown to allow the application under  
Order IX R 7 of CPC and moreover, the opposite party can also be  
compensated by way of cost.

Therefore, application is allowed and ex-parte order  
against the said Defendants is set aside subject to cost of Rs. 2,500/- to be  
paid to the Plaintiff by the Defendants.

Application is disposed off accordingly.

Put up for further proceedings on **18.03.2024**.

**(DIVYANG THAKUR)**  
**ADJ-03/ SOUTH-WEST**  
**DWARKA/ NEW DELHI**  
**03.02.2024 (A)**