

Arun Gupta Vs. Rakesh Kumar

Through Cisco Webex Video Conferencing

12.01.2022

Case has been taken today in terms of Order No. 897-938/ RG/DHC/2021 dated 30.12.2021 of Hon'ble High Court of Delhi due to pandemic Covid-19 situation.

Present : Sh. Sumit Gupta, Ld. Counsel for the plaintiff.

Sh. Kapil Singhal, Ld. Counsel for the defendant nos. 2 to 4.

Heard on the application U/s 151 CPC filed by defendant no. 1 for setting aside the exparte order dated 15.03.2017.

It is averred in the application that this court proceeded defendant no. 1 exparte vide order dated 15.03.2017 as the defendant no. 1 failed to file written statement. It is submitted that on 15.03.2017, the defendant prepared the written statement and about to file the same. However, the same could not be filed as tea spilled on the written statement. Therefore, the exparte order be set aside.

Ld. Counsel for the plaintiff submits that the defendant no. 1 has filed the present application after a gap of 4 years and same may not be considered.

In my opinion, the defendant no. 1 has failed to assign any cogent reason for setting aside the order dated 15.03.2017. Further, he has filed the application after 4 years. The matter is at the stage of final arguments, the same cannot be considered at this stage. The application U/s 151 CPC filed by defendant no. 1 for setting aside the exparte order dated 15.03.2017 is dismissed.

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Put up for final arguments on 05.02.2022.

(Manish Sharma)

ADJ-01/West/ 12.01.2022