

29.05.2026

Present: Sh. Randhir Kumar, Ld. Counsel for applicant/plaintiff.

1. The Ld. Counsel for the applicant/plaintiff has filed the fresh application under Order IX Rule 4 r/w section 151, CPC, 1908 seeking restoration of the suit, which was dismissed for want of prosecution and for default in appearance vide order dated 02.04.2026.

2. The aforesaid application is not filed within the prescribed period of time and same has been accompanied with the application u/s 5 of Limitation Act, 1963 seeking condonation of delay.

3. It is submitted by the Ld. Counsel for the applicant/plaintiff that this Court had earlier allowed the application under Order VI Rule 17 CPC, 1908, seeking amendment of plaint vide order dated 12.01.2026 and the amendment plaint was taken on record and the summons were issued to the defendants, returnable on 02.04.2026. However, the Ld. counsel for the applicant/plaintiff had noted down the wrong date and instead of 02.04.2026, he had recorded the date as 02.05.2026 in his case diary. The application is accompanied with copy of his case diary wherein the wrong date is duly reflected. It is further submitted by Ld. Counsel for the applicant/plaintiff that delay in filing of the present application was also due to his personal reasons, since he had unfortunately lost his Uncle due to cancer and his father had also suffered a heart stroke.

4. Considering the submissions made by the Ld. Counsel for the applicant/plaintiff, the application seeking condonation of delay is hereby allowed. The substantive application under Order IX Rule 4 r/w section 151, CPC, 1908, is taken on record.

5. In view of the averments made in the present application and on the basis of the copy of case diary filed by the Ld. Counsel for the applicant/plaintiff, the present application is hereby allowed. The suit is hereby restored to its original number. On the applicant/plaintiff taking steps, let fresh summons for settlement of issues as per Order V Rule 9 of CPC, 1908 be issued to the defendant through ordinary service and RC/speed post, upon plaintiff taking steps within 7 days, returnable on **22.08.2026**. (Date has been given as per the specific request of the counsel).

6. Copy of the present order sheet be placed in the case file, after restoration of the suit.

7. The present file be consigned to record room.

(Atul Ahlawat)
DJ-03/South-East District
Saket Courts, New Delhi/29.05.2026