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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 39/2026 & CM APPL. 30529/2026, CM APPL. 8925/2026**
RAVINDER KUMARAppellant

Through: Mr. V. S. Gautam, Mr Prabhanshu,
Mr. Shubham Shukla and Ms. Ishu
Sharma, Advocates

versus

PREM SHARMA AND ORS.Respondent
Through: Mr. R.K. Sahni, Ms. Pooja Handa
Sahni, Advocates for respondent no.1.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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22.07.2026

1. The present appeal is directed against the order dated 03.01.2026 passed by the learned District Judge, whereby the application filed under Order IX Rule 13 CPC came to be dismissed.
2. It is the case of the appellant, who was defendant no. 2 in the suit, that he was never served.
3. Learned counsel for the respondent, on the other hand, has drawn the attention of the Court to the impugned order, wherein, in paragraph 21, it has been recorded that the appellant was served through his son, namely, Sh. Krishan, on 16.02.2023 and was proceeded ex parte on 08.05.2023.
4. As the complete Trial Court record has not been received, let the Registry requisition the entire Trial Court record, as the record received is only from the stage of consideration of the application under Order IX Rule 13 CPC and does not comprise the entire proceedings.



5. Let the digitised copy of the entire suit file in Case No. 85/2023 also be requisitioned.
6. Renotify on 30.09.2026.

MANOJ KUMAR OHRI, J

JULY 22, 2026

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