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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 8/2020**

MRS. USHA CHURAMANI

..... Plaintiff

Through Mr.Ankit Jain and Mr. Abhay Pratap
Singh, Advs.

versus

SH. RAKESH KUMAR SHARMA & ORS.

.... Defendants

Through Ms. Gaganpreet, Adv. for D-5

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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06.01.2022

The hearing has been conducted through video conferencing.

I.A. 155/2022 (exemption)

1. Allowed, with direction to file requisite clear copies, legible copies with appropriate margins and certified copies of documents within six weeks.
2. Application is disposed of.

I.A. 153/2022 (condonation of delay)

3. In view of the reasons mentioned in the present application, the delay of 47 days in filing I.A. 152/2022 seeking setting aside of order dated 19.07.2022 is condoned.
4. Accordingly, application stands disposed of.

I.A. 152/2022 (u/O. 9 R. 13 r/w S. 151 CPC)

5. The present application has been filed by applicant/defendant No.5



seeking setting aside of order dated 19.07.2021.

6. Notice issued.

7. Learned counsel for plaintiff accepts notice.

8. Vide order dated 19.07.2021, defendant No.5 was proceeded ex-parte by this Court as none had appeared on her behalf on the said date as well as on 04.03.2021 before learned Joint Registrar.

9. Learned counsel for defendant No.5 submits that defendant no.5 and her husband were contracted with covid-19 in April 2021 and unfortunately, in the process of recovery, she lost her husband on 12th July 2021. Chronology of events are stated in paragraph no. 3 & 4 of the application and therefore, her non-appearance before the Court is neither deliberate nor intentional and therefore, in the interest of justice the present application be allowed.

10. Learned counsel for plaintiff submits that there is no objection if the present application is allowed.

11. In view of reasons given in the application and the fact the there is no objection to the present application by the side opposite, the order dated 19.07.2021 is hereby set aside.

12. Accordingly, application is allowed and disposed of.

I.A. 154/2022 (condonation of delay)

13. In view of the reasons mentioned in the present application, the delay of 47 days in filing the present application is condoned.

14. Accordingly, present application stands disposed of.

CS (OS) 8/2020

15. In view of order passed in I.A. 154/2020, Registry is directed to take on record the written statement filed by defendant No.5. Response thereto, if



any, be filed within four weeks.

16. List before learned Joint Registrar on 04.04.2022, i.e. the date already fixed.

JANUARY 06, 2022/rk

SURESH KUMAR KAIT, J