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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ TEST.CAS. 20/2023 I.A.6278/2023 I.A.45923/2024 I.A.45924/2024
DR ASHOK KUMAR GUPTAPetitioner

Through: Mr. Jai Sahai Endlaw and Ms.
Shambhavi Kala, Advocates

versus

THE STATE & ORS.Respondent
Through: Mr. Adarsh Priadarsni, Ms. Sandhya,
Mr. Apoorv Shankar and Mr. Jatin
Choudhary, Advs.
Mr. Aditya Vikram Singh, Adv for R-
2.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
% **12.02.2025**

I.A.45924/2024 (Application for recall of order dated 21.08.2024 and for bringing objections on record.)

1. This application has been filed by respondent no.2 for recall of Order dated 21st August 2024, passed by this Court, closing the right of respondent no. 2 to file their objections.
2. Facts and circumstances have been noted in Order dated 21st August 2024.
3. It is stated by counsel for applicant/respondent no.2 that they had encountered a major data loss and, therefore, could not access their files, on 08th August 2024.



4. On 10th August 2024, an E-mail had been sent; however, it went into the spam folder.
5. On 20th August 2024, counsel received a notification that matter is listed on 21th August 2024, but counsel for applicant was traveling abroad.
6. On 21st August 2024, he stated that when the matter was listed the *Webex link* was not working.
7. A perusal of the reasons mentioned in the application, would show that, consistently reasons have been given which are not merited.
8. It is the duty of the counsel to ensure that the matter was properly attended; in any event, counsel for petitioner points out that on 11th July 2024, the Joint Registrar (Judicial) had given last and final opportunity to the respondent no.2 to file their objections.
9. On 06th May 2024, the Court recorded that the mediation was unsuccessful. Despite these opportunities, no steps have been taken by the respondent no.2 to ensure that their objections are on record in time.
10. Accordingly, the application is not merited and, therefore, dismissed.
11. Respondent no.2 is permitted to raise their legal arguments during the final hearing of the petition in support of objections raised.
12. Counsel for respondent No. 2 states that they wish to file a document for placing a written record of the oral family settlement, on record. He is at liberty to file an application which would be considered in accordance with law.
13. List before Joint Registrar on 25th March 2025.
14. Order be uploaded on the website of this Court.

ANISH DAYAL, J

FEBRUARY 12, 2025/RK/kp