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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 125/2021**

SHAMINDER SINGH BHATIA & ANR. Plaintiffs
Through: Mr. Kartickay Mathur and Mr.
Shanker Kashyap, Advs.

versus

MR. VISHNU BHAGWAN @ BALWAN SINGH Defendant
Through: Mr. Vierat K Anand and Mr.
Harish Nadda, Kumar Shashank
and Mr. Arun Yadav, Advs.

CORAM:
HON'BLE MR. JUSTICE YASHWANT VARMA

% **ORDER**
05.04.2023

I.A. 6303/2023(for exemption)

Allowed, subject to all just exceptions.

The application shall stand disposed of.

O.A. 33/2023(O.D. 24-01-2023) & I.A. 6304/2023(Delay in Refiling Appeal)

The present chamber appeal has been preferred in respect of the order dated 24 January 2023 passed by the Joint Registrar taking off the written statement which had been filed on the record. The Joint Registrar has essentially held that the delay of 140 days is not liable to be condoned in light of Rule 4 falling in Chapter VII of the Delhi High Court (Original Side) Rules, 2018.

Learned counsel appearing in support of the appeal prays for time to supplement and to file an affidavit bringing on record evidence in support of the assertion that the defendant had shifted residence in connection with his employment and thus summons were not served. Let the aforesaid additional affidavit be filed within a period of three

weeks from today.



Let the matter be called again on 12.07.2023.

APRIL 05, 2023

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YASHWANT VARMA, J.