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

+ **CM(M) 2626/2024**

OMPAL SINGH

..... Petitioner

Through: Mr. Sidharth Joshi, Ms. Nidhi Sharma
& Mr. Ambareen, Advs.

versus

PRAHLAD SINGH(DECEASED)THROUGH LRS AND ANR.

..... Respondents

Through:

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

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21.05.2024

CM APPL. 30490/2024—Exp.

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CM(M) 2626/2024 & CM APPL. 30491/2024-delay of 10 days in filing &

CM APPL. 30489/2024-stay

3. The present petition is filed under Article 227 of the Constitution of India read with Section 151 of the Code of Civil Procedure, 1908 (hereinafter referred to as 'CPC') to challenge the order dated 04.03.2024 passed by learned ADJ-01, Northeast District, Karkardooma Courts, Delhi (hereinafter referred to as 'Trial Court') in CS No. 353/2019 titled as "Om Pal Singh vs. Prahlad Singh (since deceased through LRs)" whereby the learned Trial Court has granted unconditional leave to the respondent to



contest the suit.

4. Learned counsel for the petitioner submits that the petitioner had filed a summary suit under Order XXXVII of the CPC for recovery of an amount of Rs.63,50,000/- from the respondents. The respondents filed an application seeking the leave of the Court, however, the learned Trial Court without considering that the submissions made before it deprived the petitioner to contest the suit unconditionally by passing the impugned order.

5. Upon petitioner's taking necessary steps, issue notice to the respondent through all permissible modes including via approved courier service, returnable on 24.10.2024.

SHALINDER KAUR, J

MAY 21, 2024
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