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

+ CS(OS) 592/2021, I.A. 14868/2021, I.A. 14869/2021, I.A.
13665/2022 & I.A. 9367/2023

MS. SHEFALI KOUL

..... Plaintiff

Through: Mr. Naman Joshi and Mr. Guneet
Sidhu, Advocates

versus

MOHD RAFIQ MIR & ORS.

..... Defendants

Through: Mr. Vishnu Kant, Advocate (Through
VC)

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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15.05.2023

I.A. 9366/2023 (Restoration of I.A. 13666/2022)

1. The instant application under Order IX Rule 9 read with Section 151 of the Code of Civil Procedure, 1908 has been filed on behalf of applicant/defendants seeking the following relief:-

"(i) Allow the present application and restore the interlocutory application no.13666/2022(Delay) in CS(OS) no. 592/2021 Under Order XXXVII Rule 5 along with Section 151 of CPC, 1908 for leave to defend and contest the suit for recovery to its original position after recalling its order dated 05-01-2023..."

2. Learned counsel appearing on behalf of applicant/defendants submitted that the instant application seeking setting aside of the order dated 5th January, 2023 and restoring the I.A No. 13666/2022 has been filed on the



ground that non-appearance on behalf of the defendants' counsel or itself in person was neither deliberate nor intentional but because the earlier counsel for the defendant No.1, unfortunately, did not appear before this Court.

3. Heard.

4. Issue notice. Notice is accepted by Mr. Naman Joshi, learned counsel appearing on behalf of non-applicant/plaintiff. He vehemently opposed the instant application and submitted that the same is not maintainable. He prayed for some time to file reply/objection.

5. Let reply/objection to the application be filed within two weeks. Rejoinder, thereto if any, be filed within two weeks thereafter.

6. List on 9th October, 2023.

CHANDRA DHARI SINGH, J

MAY 15, 2023

Dy/ms

[Click here to check corrigendum, if any](#)