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

+ **CM APPL. 76304/2024 in**
RFA 753/2023

DARSHAN SINGH & ORS.

.....Appellants

Through: Mr. Deepak Chhikara, Advocate.

versus

JASWINDER SINGH

.....Respondent

Through: Mr. Satya Prakash Yadav, Advocate.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

07.01.2025

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[Physical Hearing/Hybrid Hearing (as per request)]

CM APPL. 76304/2024 (for restoration)

1. Although steps for issuance of notice were not taken, learned counsel for respondent has appeared and accepts notice. The appeal assailed judgment and decree under Order XII Rule 6 CPC for recovery of possession of the immovable property. Vide order dated 18.12.2024, the appeal was dismissed in default. The present application was listed before a coordinate bench on 24.12.2024 and while issuing notice, the court revived the interim protection. As mentioned above, steps for issuance of notice were not taken.

2. The default dated 18.12.2024 in appearance is explained solely on the ground that the erstwhile counsel did not appear in court. It is informed by learned counsel for appellants that they have not taken any action against the



erstwhile counsel.

3. Learned counsel for respondent strongly opposes the application, pointing out that in other proceedings also, the appellants have been adopting delaying tactics by getting the matter dismissed in default and then coming for restoration.

4. Keeping in mind the overall circumstances, the application is allowed and the appeal is restored subject to the appellants paying costs of Rs. 25,000/- to the respondent within one week.

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5. List for arguments on 21.05.2025.

GIRISH KATHPALIA, J

JANUARY 7, 2025/ry

Click here to check corrigendum, if any