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

+ **RSA 124/2022**

NEW FRIENDS COOPERATIVE HOUSE

BUILDING SOCIETY LIMITED

..... Appellant

Through: Mr. Praveen Suri and Mr. Kajal
Kadan, Advs.

versus

SHRI YADU(SINCE DECEASED)THROUGH

HIS LEGAL HEIRS

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

% **09.11.2022**

CM APPL. 47669/2022 (exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

CM APPL. 47668/2022 (recall of order dt. 27.10.22)

3. This application seeks recall of the order dated 27th October 2022, whereby RSA 124/2022 was dismissed for non-prosecution.
4. For the reasons stated in the application, order dated 27th October 2022 is recalled.
5. The application is allowed. RSA 124/2022 is restored to its original number.



CM APPL.43373/2022 (exemption)

6. Allowed, subject to all just exceptions.

7. The application is disposed of.

RSA 124/2022, APPL.43374/2022 (stay) and CM APPL.43375/2022 (for condonation of delay of 14 days in re-filing)

8. Issue notice, returnable on 14th April 2023.

9. Notice be served on the respondent by all modes including *dasti* as well as through learned Counsel who appeared on behalf of the respondent before the Court below, if any.

10. On the next date of hearing, the Court would proceed to examine whether any substantial question of law arises and, thereafter, also proceed to decide the appeal itself based on the said decision.

11. Both sides are directed to place on record short notes of their respective submissions not exceeding five pages each accompanied by duly indexed compilations of any judicial authorities on which they may seek to place reliance with the relevant paragraph nos. indicated in the index accompanying the compilations after exchanging copies with each other, at least 48 hours in advance of the next date of hearing.

C.HARI SHANKAR, J

NOVEMBER 9, 2022

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