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

+ **CM(M) 2890/2024 & CM APPL. 38316/2024**

SORAJ

.....Petitioner

Through: Mr. S.K. Singh, Advocate (Through
VC)

versus

TINA BANSAL & ANR.

.....Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

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13.08.2024

CM(M) 2890/2024

1. Petitioner is aggrieved by order dated 07.05.2024 whereby his application moved under Order XXXVII Rule 4 CPC has been dismissed.
2. Petitioner was defending a summary suit.
3. It is admitted that appearance was also put in.
4. However, according to petitioner, since there was never any issuance of summons for judgment, there was no reason or occasion for him to have filed any application seeking leave to defend and, therefore, learned Trial Court should not have decreed the suit in the alleged absence of application seeking leave to defend.
5. Attention of the Court has also been drawn towards judgment dated 01.11.2022 which also does not mention anything regarding issuance of summons for judgment.
6. Issue notice to respondents through all permissible modes including *dasti*. Notice be also issued through counsel.

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7. List on 27.11.2024.
8. Let digitized copy of Trial Court Record be also requisitioned.

CM APPL. 38316/2024 (stay)

9. In view of the above, learned Trial Court is requested to defer the hearing in the execution petition to a date subsequent to the one given by this Court.

MANOJ JAIN, J

AUGUST 13, 2024/dr