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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1204/2025 & CM APPL. 40606/2025**
BAL BRAHAMCHARI GURU MUNI PAHALWAN GANESH DAL
VYAMSALA PRABANDHAK SAMITI

.....Petitioner

Through: Mr. Amit Kumar and Ms. Pooja
Kumar, Advocates.

versus

RAMESH KUMAR & ORS.

.....Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

11.07.2025

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1. The petitioner herein had filed a suit for injunction. There was no appearance from the side of defendant No.2-Mr. Ramesh Kumar, however, the other two defendants participated in the matter and contested the suit.
2. Eventually, there was a decree in favour of the plaintiff.
3. Such decree was passed on 02.12.2009.
4. However, in the year 2014, defendant No.2 filed an application under Order IX Rule 13 CPC.
5. Such application was, though, dismissed by the learned Trial Court but on appeal being filed, such application has been allowed and, as per the order passed by the learned First Appellate Court on 18.11.2024, the judgment and decree dated 02.12.2009 has been set aside so far as it concerned the appellant.
6. According to petitioner herein, defendant No.2 had complete

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knowledge of the summons issued by the Court and, therefore, the appeal should not have been allowed.

7. Issue notice to respondent through all permissible modes including *dasti*, returnable on 09.10.2025. Notice be also issued through counsel.

MANOJ JAIN, J

JULY 11, 2025/ss/pb