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

+ **FAO 240/2025**

**DARSH PLASTIC PVT LTD**

.....Appellant

Through: Mr. Abhijat, Sr. Adv. with Mr. Harsh Vardhan Sharma, Mr. Neeraj Kumar, Mr. Ashutosh Kr. Pandey, Mr. Prashant Chandra & Mr. Harsh Saini, Advs.

versus

**P. R. TECHNOPLAST PVT. LTD**

.....Respondent

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ JAIN**

**ORDER**

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**29.08.2025**

**CM APPL. 54256/2025 (exemption)**

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

**CM APPL. 54257/2025 (delay in re-filing)**

3. This application has been filed by applicant/appellant seeking condonation of delay of 16 days in re-filing the present appeal.
4. For the reasons stated in the application, the same is allowed.
5. Delay of 16 days in re-filing the present appeal is condoned.
6. Application stands disposed of.

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7. The position is little unusual here.

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8. The suit in question filed by plaintiff/appellant herein was instituted in the year 2017 but got dismissed in default on account of *non-appearance* on 24.12.2021.
9. According to appellant, he was totally dependent upon his counsel, who had assured him that he would take care of the matter and had also apprised that the civil suit generally takes 4-5 years in reaching its logical end and, therefore, he did not try to find out its status.
10. It was only in February, 2025 when he engaged another counsel, he came to know that the suit had already been dismissed in default four years back.
11. In the abovesaid facts and scenario when he moved an application seeking restoration of suit, it was dismissed by learned Trial Court on 05.06.2025.
12. Such order is under challenge by filing present appeal.
13. Mr. Abhijat, learned senior counsel for appellant, on instructions, submits that the suit remained at the nascent stage only as the defendants did not enter appearance. He seeks time to place on record the relevant order-sheets prior to the dismissal of the suit in default.
14. List on 26.09.2025.
15. Be shown in supplementary list.

**MANOJ JAIN, J**

**AUGUST 29, 2025/ck/shs**