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

+ **RFA(COMM) 686/2025**

**M/S HIMALYAN MAHILAAVAM JAN KALYAN SANSTHA
(REGD) AND ANRAPPELLANTS**

Through: Mr. Sudhir Kumarv, Mr. Manish
Kumar, Mr. Shubham Tyagi and Ms.
Sandhya Shikla, Advocates

versus

**M/S JOYLINE HYGINE INDIA PVT LTD
AND ANRRESPONDENTS**

Through:

**CORAM:
HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE
HON'BLE MR. JUSTICE AJAY DIGPAUL**

**ORDER
22.01.2026**

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CM APPL. 77505/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

**RFA(COMM) 686/2025 & CM APPL. 77503/2025, CM APPL.
77504/2025, CM APPL. 77518/2025**

3. Heard learned counsel for the appellant.
4. The appellant-original defendant suffered a decree in a summary suit. It is the contention of learned counsel for the appellant that, instead of moving an application for 'Leave to Defend' along with the Memo of Appearance, the written statement was filed and, as such, there was a failure



on the part of the lawyer to extend proper professional advice to the appellant.

5. Drawing support from the judgment of the Apex Court in the matter of **Rafiq & Another Vs. Munshilal & Another**, reported in (1981) 2 SCC 788, it is urged that the appellant be given an opportunity of re-hearing.

6. Issue notice to the respondents, returnable in four weeks.

7. List on 30th April, 2026.

NITIN WASUDEO SAMBRE, J

AJAY DIGPAUL, J

JANUARY 22, 2026/ay/as