

**ICICI Lombard General Insurance Co.
Ltd. Vs. Ratti Devi a/w connected matter**

FAO No. 329 of 2023 a/w FAO No. 23 of 2023

10.04.2026 Present:

FAO No. 329 of 2023

Mr. Rohit Chauhan, Advocate, for the appellant.

Mr. Sunil Kumar, Advocate, for respondent No.1.

Ms. Anchal Singh, Advocate, for respondents No. 2 to 4.

Mr. Munish Thakur, Advocate, vice Mr. Jagdish Thakur, Advocate, for respondents No. 5 and 6.

FAO No. 23 of 2023

Mr. Munish Thakur, Advocate, vice Mr. Jagdish Thakur, Advocate, for the appellants.

Mr. Sunil Kumar, Advocate, for respondent No.1.

Ms. Anchal Singh, Advocate, for respondents No. 2 to 4.

Mr. Rohit Chauhan, Advocate, for respondent No.5.

**CMP No. 32434/2025 & CMP(M) No. 2379/2025
in FAO (MVA) No. 329 of 2023**

Heard learned counsel for the parties and perused the applications.

Vide order dated 18.03.2024, respondent No.1 had been proceeded against *ex parte*. An application bearing CMP No. 32434 of 2025 for setting aside the *ex parte* order has been filed. In moving the same, there was a delay, therefore, an application bearing CMP(M) No. 2379 of 2025 for condonation of delay has

also been filed.

From the perusal of the contents of the applications, and for the sufficient reasons stated therein, the delay in filing the application for setting aside the *ex parte* order is condoned. The non appearance of respondent No. 1 on 18.03.2024 has been duly explained in the application.

Even otherwise, being proceeded against *ex parte* means *ex parte* for the day and not for the entire proceedings. In this regard, a reference can be made to the judgment of the Hon'ble Apex Court in *Sangram Singh vs. Election Tribunal, Kotah and another, AIR 1955 SC 425*.

In view of the aforesaid, the application is allowed. The *ex parte* order dated 18.03.2024 is set aside. Respondent No. 1 is permitted to join the proceedings. Applications stand disposed of.

CMP No. 28313 of 2025 in FAO No. 23 of 2023

As jointly prayed, list after four weeks.

10th April, 2026
(sushma)

(Bipin C. Negi)
Judge