



AO 333/2015

**Hon'ble Servesh Kumar Gupta, J.**

Mr. Vipul Sharma, Advocate, for the appellant.

Heard.

It transpires that the service upon Trilok Singh (owner of the vehicle) and Mr. Ajay Kumar Chobe (Driver) was deemed sufficient just on the basis of publication made in a local newspaper, which has no circulation in Delhi and, yet the application under Order 9 Rule 13 CPC has been rejected by the Court below.

There is no delay in moving this appeal against the rejection of the application under Order 9 Rule 13 CPC. The delay is against the ex parte judgment, which obviously occurred for the reason that the appellant could come to know about such judgment when he received the notice for recovery.

In the given facts, delay condonation application (CLMA 5888/2016) is allowed. Delay is condoned.

Appeal is admitted for hearing.

Summon the lower court record.

Issue notice to the respondents.

Steps within a week.

List after service is effected on the respondents.

Meanwhile, recovery pursuant to the impugned award, shall remain stayed.

Stay application (CLMA 6732/2015) stands disposed of.

**(Servesh Kumar Gupta, J.)**  
**15.6.2016**



2022:UHC:12061