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

+ **FAO(OS) 672/2015**

DR R S GUPTA

..... Appellant

Through: Appellant in person

versus

DIRECTOR OF EDUCATION & ORS

..... Respondents

Through: Nemo

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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11.12.2015

CM No. 30240/2015 (exemption)

The exemption is allowed subject to all just exceptions.

CM No. 30241/2015 (delay in re-filing)

The delay in re-filing is condoned.

The application stands disposed of.

FAO(OS) 672/2015

The appellant appears in person. He has filed an appeal against the order dated 07.09.2015 passed by a learned Single Judge of this court in O.A. No. 340/2015. The order reveals that the learned counsel for the appellant had submitted that though there was inordinate delay in filing the said O.A. yet one opportunity could be granted to defendant Nos. 3 to 6 to file the written statement but subject to terms. Thereupon the learned Single Judge allowed the appeal and set aside the order dated 09.02.2015 in respect of defendant Nos. 3 to 6 and permitted them to file the written statement within

30 days and subject to costs of Rs 10,000/-. We do not see as to how the appellant could have preferred an appeal against an order which was invited by the learned counsel for the appellant / plaintiff. The appellant who appears in person also confirms before this court that he was also present on that date when the matter was heard before the learned Single Judge. Even in the appeal there is no averment to the effect that such a statement was not made by the learned counsel for the appellant / plaintiff.

In these circumstances there is no merit in the appeal. The same is dismissed.

BADAR DURREZ AHMED, J

SANJEEV SACHDEVA, J

DECEMBER 11, 2015
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