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

+ **FAO 122/2016 & C.M. Nos.9815**

**SATBIR BHADANA @ SACHIN KUMAR** ..... Appellant  
Through: Mr. Atul Bansal, Advocate.

versus

**RAHUL DUGGAL** ..... Respondent  
Through: Mr. Pradeep Kr. Singh, Advocate.

**CORAM:**  
**HON'BLE MR. JUSTICE V.K. SHALI**

**ORDER**  
% **03.05.2016**

**C.M. No.12478/2016 (for exemption)**

Allowed, subject to the deficiency being rectified.

The application stands disposed of.

**C.M. No.12477/2016**

1. This is an application filed by the appellant for filing certain documents.
2. The learned counsel for the appellant seeks permission to withdraw the application. The learned counsel for the respondent has put in appearance and does not have any objection to the same.
3. In view of the statement made by the learned counsel, the application is dismissed as withdrawn.

**F.A.O. No.122/2016 & C.M. Nos.9815-9816/2016**

1. This is an appeal filed by the appellant under Order 43 Rule 1 (D) against the *ex parte* judgment and decree dated 27.2.2016 passed by the learned ADJ.

2. With the consent of the learned counsel for the parties, the *ex parte* judgment and decree is set aside, subject to the appellant agreeing to pay cost of Rs.1 lac to the respondent.

3. Accordingly, in view of the statement made by the learned counsel for the appellant, *ex parte* judgment and decree dated 27.2.2016 is set aside subject to the appellant paying cost of Rs.1 lac, out of which a sum of Rs.50,000/- shall be deposited with the District Court Legal Aid and Advice Committee and the balance sum of Rs.50,000/- shall be paid to the respondent. The aforesaid amount shall be paid on the next date of hearing which shall be in the month of July, 2016 as prayed for by the appellant. The appellant has stated that two months' time may be given to enable him to make the aforesaid payment. On the deposit of the aforesaid amount/payment, the learned trial court shall proceed with the trial on merits after giving an opportunity to file the written statement. The respondent/plaintiff shall be at liberty to treat the statements recorded earlier as examination-in-chief and make the witnesses available for cross-examination.

4. Let both the counsel appear before the learned ADJ (West), Tis Hazari Court on 16<sup>th</sup> May, 2016.

5. With these directions, the appeal stands disposed of.

**V.K. SHALI, J.**

**MAY 03, 2016**  
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