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

+ **CM(M) 373/2016 & CM No.14525/2016**

NARAYANI DEVI Petitioner
Through **Mr.Gaurav Solanki, Adv.**

versus

MUKESH KUMAR & ORS Respondent
Through **Mr.P.K.Sharma and Mr.Sushil
Kumar, Advs. for R-1 to R-3**

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **29.09.2016**

1. By the present petition the petitioner seeks to impugn the order dated 16.12.2015. By the said order the trial court allowed the application under Order 9 Rule 7 CPC regarding defendant No.2/respondent No.1 Shri Mukesh Kumar and defendant No.6/respondent No.2 Shri Sushil Kumar. The application qua Smt.Vidya respondent No.3 was dismissed as it was not supported by an affidavit.

2. The said defendants had been proceeded ex parte vide order dated 5.8.2014. The trial court has exercised its discretion and set aside the ex parte proceedings. In my opinion, there is no infirmity in the order.

3. Learned counsel appearing for the petitioner has, however, pointed out that the said respondents are repeatedly indulging in dilatory tactics. The trial court had directed them to appear in person vide order dated 5.7.2014. Instead of appearing in person they and their counsel chose not to appear on

the said date and that is why they were proceeded ex parte on the said date i.e. 5.8.2014.

4. Keeping in view the dilatory tactics the trial court is requested to expeditiously dispose of the matter and except in emergent circumstances no adjournment should be granted to the said respondents, namely, Shri Mukesh Kumar and Shri Sushil Kumar.

5. Petition stands disposed of. All pending applications, if any, also stand disposed of accordingly.

JAYANT NATH, J

SEPTEMBER 29, 2016

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