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

+ **RSA 188/2010**

KEDAR NATH

..... Appellant

Through: Mr. Ajay Kumar, Advocate.

versus

RAJINDER TIWARI

..... Respondent

In person.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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26.04.2017

C.M. Appl. No. 46865/2016 (U/O 41 Rule 21 CPC for re-hearing the appeal, filed by the respondent)

1. By this application, re-hearing is prayed in this Regular Second Appeal which was heard and allowed as per judgment dated 3.11.2016.
2. The reason given by the applicant/respondent for re-hearing of the second appeal is rejected by this Court because only a self-serving statement is made that the earlier counsel did not appear because he was not well. This application is however not supported by any document to show that the earlier counsel Mr. Amit Tiwari was not well. There was therefore no reason for the respondent not to be represented when the second appeal was called out on the specific date fixed.

3. The judgment dated 3.11.2016 is a detailed judgment dealing with all relevant aspects.
4. Application seeking re-hearing is therefore dismissed.

VALMIKI J. MEHTA, J

APRIL 26, 2017

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