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

+ CM(M) 543/2016

PHOENIX ARC PVT LTD

..... Petitioner

Through : Mr. Sandeep Srivastava, Mr. Shokeen
Ali, Advocates.

versus

GURMUKH SINGH

..... Respondent

Through : Nemo.

CORAM:

HON'BLE MR. JUSTICE I.S. MEHTA

ORDER

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27.05.2016

CM No. 20809/2016 (Exemption)

Exemption is allowed subject to all just exceptions.

The application stands disposed of.

CM(M) 543/2016 & CM No. 20808/2016 (stay)

1. The petitioner assails the orders dated 7th April, 2016, 18th April, 2016 and 5th May, 2016 passed by learned ADJ/West/Delhi in Ex-123/15.
2. Learned counsel for the petitioner submits that the impugned orders passed by the learned court is too harsh and it was the court itself which had directed the petitioner to file the fresh address of the JD/ respondent vide its order dated 3rd March, 2016. It is submitted that the process fee was to be filed on the fresh address but since the DH/petitioner was not having the fresh address, therefore, the PF could not be filed for 7th April, 2016 and thereafter.

3. A perusal of the order sheets would show that the petitioner has sufficient and bona fide grounds to explain the non-filing of the process fee.
4. In the facts and circumstances, there is no fault on part of the petitioner in non-filing of the process fee. As a result, the impugned orders dated 7th April, 2016, 18th April, 2016 and 5th May, 2016 passed by learned ADJ/West/Delhi in Ex-123/15 are set aside. The court below is directed to proceed in the matter in accordance with law.
5. A copy of the order be given *dasti* to learned counsel for the petitioner.
6. The petition and the application are disposed of in the above terms.

I.S. MEHTA, J

MAY 27, 2016/j