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

+ **MAT.APP.(F.C.) 127/2016**

HEMANT GUPTA

..... Appellant

Represented by: Mr.Manoj Goel, Mr.Jagmohan
Sharma, Mr.Rupam and
Ms.Rajni, Advocates.

versus

ROHINI GUPTA

..... Respondent

Represented by: None.

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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29.08.2016

CM No.31332/2016

Allowed subject to all just exceptions.

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1. There is a delay of 100 days in filing the appeal and 20 days in re-filing the appeal.
2. Challenge is to an order dated March 21, 2016 dismissing application filed under Order VIII Rule 1 & 10 CPC by the appellant and granting respondent 15 days' time to file the written statement subject to payment of cost in sum of ₹2000/-.
3. We have asked learned counsel for the appellant whether cost imposed for filing written statement within 15 days from the order dated

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March 21, 2016 has been tendered and received by the appellant. Learned counsel for the appellant very fairly concedes that the appellant has received the cost in sum of ₹2000/-.

4. Having received the cost imposed the appellant would not be entitled to maintain the appeal.

5. Accordingly, we dismiss the appeal as not maintainable as also the pending applications.

6. No costs.

PRADEEP NANDRAJOG, J.

PRATIBHA RANI, J.

AUGUST 29, 2016

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