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

+ **CM(M) 1209/2016 & CM Nos.43918 /2016-43920/2016**

RAM AVTAR

..... Petitioner

Through Mr.Rajeev Ranjan Pandey and
Mr,Manmohan, Advocates

versus

MANA CHAND & ORS

..... Respondents

Through

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **25.11.2016**

CM Nos.43918 /2016 & 43920/2016

Exemption allowed, subject to all just exceptions.

CM(M) 1209/2016 & CM Nos.43919 /2016

1. By the present petition the petitioner seeks to impugn the order dated 8.11.2016 by which the defence of the petitioner was struck off as he had not brought the documents summoned by the court while disposing of an application under Order 11 Rule 14 CPC.
2. A perusal of the impugned order shows that the petitioner had not brought the summoned documents as directed by the Court on 10.7.2015 in an application under Order 11 Rule 14 CPC. Accordingly, the defence of the petitioner was struck off and he was also denied the right to lead evidence.
3. Learned counsel appearing for the petitioner submits that the petitioner is an aged person and with great difficulty has managed to trace

the documents which were sought to be summoned by the trial court by its order dated 10.7.2015.

4. Let the petitioner move an appropriate application seeking to place those documents on record before the trial court alongwith an application for permission to recall the order dated 8.11.2016 by which the defence of the petitioner was struck off. Learned counsel appearing for the petitioner submits that the application shall be moved before the trial court on 28.11.2016 i.e. the next date of hearing. In case such an application is filed with documents, trial court may consider the same as per law.

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

6. A copy of this order be given dasti under signatures of the Court Master to learned counsel for the petitioner.

JAYANT NATH, J.

NOVEMBER 25, 2016/n