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

+ **FAO(OS) 350/2016 & CM 44640-44641/2016**

MST SHAHNAZ BEGUM Appellant

Through : Mr Anil K. Khaware

versus

MOHD NASEEM & ORS Respondents

Through : Mr Rahul Sharma with Ms Jyoti Dutt
Sharma and Mr C. K. Bhatt for R-18, 19,
20, 24 & 25.

CORAM:

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE ASHUTOSH KUMAR

ORDER

02.12.2016

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This appeal has been preferred against the order dated 26.10.2016 in OMP 1405/2014. The main ground that has been urged before us by the learned counsel for the appellant is that the counsel for the respondents filed an adjournment slip to which the learned counsel for the appellant had consented as a result of which the learned counsel for the appellant (Mr Anil K. Khaware) was not present on 26.10.2016 and had only sent his junior to take down the next date in the matter. It is for this reason that full facts could not be placed before the learned Single Judge.

The learned counsel for the respondent Nos. 18, 19, 20, 24 and 25 fairly states that the adjournment slip had been moved by him and an adjournment had been sought to which the learned counsel for the appellant had consented.

In these circumstances, we feel that the appellant deserves to be given another chance to be heard by the learned Single Judge, who may then pass any order in accordance with law. As such, without commenting on the merits of the matter, we are setting aside the order dated 26.10.2016 and remitting the matter to the learned Single Judge to decide the said OMP on merits. We have passed this order, but all the other respondents have to be notified of the same. The learned counsel for the appellant undertakes to notify the counsel, who appeared for the other respondents.

The matter now be placed before the learned Single Judge, in the first instance, on 20.01.2017.

BADAR DURREZ AHMED, J

ASHUTOSH KUMAR, J

**DECEMBER 02, 2016
SR**