

\$~9

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

+ **FAO(OS) 492/2015**

SUSHIL KUMAR PALANWAL Appellant

Represented by: **Mr.A.K. Pandey, Adv.**

versus

MOHD IMRAAN Respondent

Represented by: **Mr.Tanvir Khan, Adv.**

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **19.02.2016**

1. We find no merit in the appeal which lays a challenge to the order dated May 27, 2015 dismissing OA No.227/2015 filed by the appellant. It was a chamber appeal challenging orders dated March 07, 2015 and April 17, 2015. Under the former order costs was imposed by learned Joint Registrar while adjourning the matter for the reason the defendant was not present nor represented to cross examine PW-1. As per the second order right to cross examine PW-1 was closed since neither cost was paid nor anyone appeared to cross examine PW-1.

2. The file of the suit would show that the defendant was not present on January 27, 2015, March 07, 2015 and April 17, 2015. On April 17, 2015 right to cross examine was closed because this was the third consecutive default and additionally costs imposed on March 07, 2015 was not paid.

FAO(OS) 492/2015

Page 1 of 2

3. The learned Single Judge is absolutely correct under the circumstances that enough indulgence has been shown to the defendant who seems to be simply interested in dragging on the proceedings in the suit.
4. The learned Single Judge noted that the ill-health of the counsel for the defendant as also of the defendant was a ruse.
5. We concur. The appeal is dismissed.
6. No costs.

CM No.17764/2015

Dismissed as infructuous.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

FEBRUARY 19, 2016

km