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

+ **FAO(OS) 149/2016**

MUKESH AGGARWAL Appellant
Through: Mr R.S. Maan, Adv.

versus

RAJESHWARI DEVI Respondent
Through: Mr Sunil Kumar, Adv.

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **06.02.2017**

We have heard the counsel for the parties. The learned counsel for the appellant/plaintiff has brought a Demand Draft bearing no. 923037 of Rs. 50,000/-, drawn on Indian Bank, Service Branch (Delhi), dated 03.02.2017, in favour of Rajeshwari Devi (the respondent herein). The said amount is by way of costs. The learned counsel for the respondent accepts the same.

After hearing counsel for the parties, we are of the view that suit which was earlier dismissed for non-prosecution on 09.09.2016, be restored.

It is ordered accordingly. The suit be now listed before the learned Single Judge on 20.02.2017 to complete the proceedings of trial inasmuch as part cross examination of the plaintiff's witnesses were conducted, the trial shall proceed from there onwards.

The appeal is allowed to the aforesaid extent.

BADAR DURREZ AHMED, J

J.R. MIDHA, J

FEBRUARY 06, 2017/kb