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

+ **FAO 135/2017**

MANJU GARG

..... Appellant

Through : Ms.Neha Garg, Advocate.

versus

RAJESH BHARDWAJ & ANR

..... Respondents

Through : None.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

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07.12.2017

CM 11385/2017 (Delay)

1. For the reasons mentioned in the application for condonation of delay in filing the appeal, the delay is condoned.
2. The application for condonation of delay is disposed of.

FAO 135/2017

1. None has appeared on behalf of the respondents despite previous pass-over.
2. The present appeal has been preferred by the appellant to impugn an order dated 13.01.2017 of learned Addl. District Judge whereby the application under Order IX Rule 9 CPC for restoration of the suit was dismissed in default.
3. It is a matter of record that the appellant had filed a suit bearing CS DJ/ADJ/42/2016 (15931/16) for seeking declaration, permanent

and mandatory injunction. The said suit was dismissed in default on 19.10.2016. An application for its restoration was filed; it also came to be dismissed on 13.01.2017.

4. Apparently, the plaintiff was negligent in pursuing her case before the learned Trial Court and on that score the impugned orders cannot be faulted.

5. The suit is at its initial stage. In the interest of justice and to enable the appellant to get her case decided on merits, the suit is restored in its original number subject to payment of costs ₹10,000/- to be paid to the respondents before the Trial Court.

6. The appeal stands disposed of in the above terms.

7. The parties are directed to appear before the Trial Court on 19th December, 2017.

S.P.GARG, J

DECEMBER 07, 2017 / tr