

\$~11

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

+ **FAO 288/2016**

VED PRAKASH SHARMA Appellant

Through : Mr.Aashish George, Advocate with Mr.Nihit
Dalmia, Advocate.

versus

M/S MOHINDRA SEAT COVERING PVT LTD & ANR

..... Respondents

Through : Mr.J.C.Mahindroo, Advocate.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

% **15.12.2017**

1. Present appeal has been preferred by Ved Prakash Sharma (hereinafter 'the appellant') to challenge the legality and correctness of an order dated 04.01.2016 whereby the application under Order IX Rule 9 CPC filed for restoration of the suit dismissed in default on 30.11.2012 was dismissed by the learned Addl. District Judge. The appeal is contested by the respondent.

2. During the course of arguments, it was agreed that the appellant shall pay ₹20,000/- as costs to the learned counsel for the respondents before the Trial Court. On this, learned counsel for the respondents has no objection to the restoration of the suit dismissed-in-default on 30.11.2012.

3. Considering the facts and circumstances of the case and in the interest of justice to enable the appellant to get the case decided on merits, the appeal is allowed and the suit dismissed-in-default on 30.11.2012 is restored in its original number. The parties shall appear before the Trial Court on 8th January, 2018.

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

S.P.GARG, J

DECEMBER 15, 2017 / tr