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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) No.733/2017, CM No.25151/2017 (for stay) and CM
No.25152/2017 (for condonation of 238 days delay in re-filing).
POONAM VERMA Petitioner
Through: Mr. Vishwendra Verma, Adv.
versus
YASH PRAKASH SHARMA Respondent
Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **19.07.2017**

CM No.25153/2017 (for exemption).

1. Allowed, subject to just exceptions.
2. The CM stands disposed of.

**CM(M) No.733/2017, CM No.25151/2017 (for stay) and CM
No.25152/2017 (for condonation of 238 days delay in re-filing).**

3. This petition under Article 227 of the Constitution of India impugns the order (dated 23rd March, 2017 of the Court of the Additional District Judge-03 (North-West), Rohini Courts, Delhi in CS No.582/14 filed by the respondent / plaintiff under Order XXXVII of the Code of Civil Procedure, 1908 (CPC)) of dismissal of the application of the petitioner / defendant for condonation of delay in applying for leave to defend.
4. The petition is accompanied with an application for condonation of 238 days delay in re-filing thereof.
5. I have enquired from the counsel for the petitioner / defendant whether as a consequence of the impugned order, the suit from which this petition arises has been decreed.

6. The counsel for the petitioner / defendant informs that the suit in fact has been decreed.

7. If that be so, then the remedy of the petitioner / defendant will be to prefer an appeal or a proceeding under Order XXXVII Rule 4 of the CPC if maintainable and not by way of this petition.

8. The counsel for the petitioner / defendant withdraws the petition with liberty to take appropriate remedies.

9. Dismissed as withdrawn with liberty aforesaid.

No costs.

Dasti.

RAJIV SAHAI ENDLAW, J

JULY 19, 2017

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