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

+ **CS(OS) 522/2016**

PREM ANAND Plaintiff

Through Mr.Suchaita Ghosh with Mr.Navin
Prakash, Advocates.

versus

SANTOSH @ BAWA @ RADHEY MA Defendant

Through Ms.Padma Priya, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **12.02.2018**

I.A.No.11687/2017

Present application has been filed under Order IX Rule 13 read with Section 151 CPC for setting aside the *ex parte* decree and judgment dated 04th September, 2017.

The only ground for seeking recall of the *ex parte* decree and judgment dated 04th September, 2017 is that the defendant/applicant is a *sadhvi* who keeps travelling from one place to another in pursuit to her religious order.

No details of her travel plan and/or reasons of her travel have been mentioned in the application.

A perusal of the file reveals that on 08th July, 2016, the plaintiff's application under Order XXXIII Rule 1 CPC seeking permission to sue as an indigent person was allowed. However, no

written statement was filed by the present defendant/applicant for more than nine months thereafter.

Since the defendant/applicant did not appear on 10th March, 2017 before the learned predecessor of this Court, she was proceeded *ex parte*.

Upon conclusion of *ex parte* evidence on 22nd May, 2017, the matter was listed for hearing on 04th July, 2017. Thereafter, the judgment was pronounced on 04th September, 2017.

Keeping in view the aforesaid facts, this Court is of the view that no sufficient cause has been disclosed for recall of the decree and judgment in question.

Accordingly, the present application being bereft of merits is dismissed.

MANMOHAN, J

FEBRUARY 12, 2018
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