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IN THE HIGH COURT OF DELHI AT NEW DELHI

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FAO(OS) 378/2016

ASHWANI KUMAR

..... Appellant

Through Mr. M. Dutta, Advocate.

versus

M/S ABI OVERSEAS AND ANR

..... Respondent

Through Mr. Manish Makhija, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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08.08.2017

The appellant-plaintiff has filed the present intra-Court appeal impugning order dated 24th November, 2016, whereby I.A. Nos. 9976/2015 and 9977/2015, filed by the respondents-defendants for setting aside the ex-parte decree dated 20th April, 2015 have been allowed.

2. Counsel for the respondents-defendants had averred that he had inadvertently noted the next date of hearing as 24th April, 2015 instead of 20th April, 2015. Photocopy of the relevant pages of the diary maintained by the counsel for respondents-defendants were filed to substantiate the plea that a wrong date was noted.

3. In our opinion, the single Judge was right in allowing the aforesaid applications after examining the factual matrix. The applications for recall/setting aside were filed on 7th May, 2015. The counsel, who had filed the said applications was a legal aid counsel appointed on the request of the respondents-defendants.

4. We do not see any reason or ground to interfere with the impugned order. The present appeal by the appellant-plaintiff is dismissed without any order as to cost.

SANJIV KHANNA, J.

NAVIN CHAWLA, J.

AUGUST 08, 2017

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