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

+ **CM(M) 1121/2017& CM No.36493/2017 (for stay).**

AMIT AGARWAL

..... Petitioner

Through: Mr. Pinaki Addy and Ms. Sahrda
Garg, Advs.

versus

RELIGARE SECURITIES LTD

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **11.10.2017**

CM No.36494/2017 & CM No.36495/2017 (both for exemption).

1. Allowed, subject to just exceptions.
2. The applications stand disposed of.

CM(M) 1121/2017& CM No.36493/2017 (for stay).

3. This petition under Article 227 of the Constitution of India impugns the order (dated 11th September, 2017 in CS No.6188/16 of the Court of Additional District Judge-01 (South), New Delhi) refusing to condone the delay of four months on the part of the petitioner / defendant in entering appearance in the suit under Order XXXVII of the Code of Civil Procedure, 1908 (CPC) filed by the respondent / plaintiff.
4. The suit, vide the impugned order, though was held to be entitled to be decreed but was not decreed for the reason of the respondent / plaintiff having not placed on record the original documents on which the suit was filed and was posted for the said purpose on 23rd September, 2017.
5. The counsel for the petitioner / defendant on enquiry states that the suit has since been decreed on 27th September, 2017.

6. On enquiry as to how, after the suit has been decreed, this petition would be maintainable, the counsel for the petitioner / defendant withdraws the petition with liberty to take all pleas as taken herein in the remedy availed of against the decree.

7. Dismissed as withdrawn with liberty aforesaid.

RAJIV SAHAI ENDLAW, J

OCTOBER 11, 2017

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