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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 17/2018 & CM No.409/2018**

JAI PRAKASH GAUTAM Petitioner
Through: Mr. Puneet Mittal, Senior Advocate
with Mr. Ravin Rao, Mr. Ankit Goel
& Mr. Ankur, Advocates.

versus

SURYA PRAKASH GAUTAM Respondent
Through: Mr. Vinod Gaur, Advocate.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **13.03.2018**

After some hearing, the learned counsel for the respondent who is the plaintiff of the suit from which the present proceedings arise, fairly concedes that the impugned orders dismissing in default the application for leave to defend and declining its restoration, may be set aside, though subject to costs, his request being that the petitioner/defendant be put to terms as to discipline in the future.

The impugned orders dated 02.08.2016 and 27.11.2017 on the file of civil suit (CS No. 201/2016) titled *Surya Prakash Gautam vs. Jai Prakash Gautam*, pending on the file of Additional District Judge -03, North-West, Rohini Court, are set aside on costs of Rs.20,000/- subject to the condition that it shall be the responsibility of the defendant to remain present with counsel duly briefed and instructed on the first call of the case on the date fixed for the purpose of hearing on the application for leave to defend. In case the defendant commits any further default, the trial judge will be within his jurisdiction to proceed ahead and pass necessary orders as per law.

Dasti under the signatures of Court Master.

R.K.GAUBA, J

MARCH 13, 2018//srb