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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 84/2018**
GATEWAY IMPEX PVT LTD

..... Appellant

Through: Mr. Ranvir Singh and Mr. Rahul
Chaprana, Advs.

versus

MSC AGENCY INDIA PVT LTD

..... Respondent

Through: Mr. Madhav Khosla, Advocate.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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06.03.2018

CM APPL. 8447/2018 (Exemption)

Allowed, subject to all just exceptions.

The application stands disposed-off.

CAV 178/2018

Since the learned counsel has put in appearance on behalf of the
caveator, the caveat stands disposed off.

FAO 84/2018

This appeal impugns an order dated 04.01.2018 dismissing the
applicant's application for restoration of the suit. On 21.11.2016, the
suit was dismissed in default. In the application for restoration of the
suit, it was pleaded that the plaintiff's counsel was indisposed due to
chikungunya. However, the impugned order found that apart from the
said reason, the application lacked any particulars i.e. no information
was given about the doctor who attended to the allegedly indisposed

counsel; medical prescription or the period for which she was incapacitated from discharging her professional duties. There was no single medical document in support of her suffering from the aforesaid affliction. The application was found devoid of appropriate particulars; hence it was dismissed.

The impugned order had also noted that the case had been pending for over 10 years and showed lack of seriousness on behalf of the appellant/plaintiff in pursuing the matter i.e. on many occasions, its counsel did not appear nor did any authorised representative of the plaintiff company.

This Court finds no reason to interfere with the same. Accordingly, the appeal is dismissed.

NAJMI WAZIRI, J

MARCH 06, 2018/acm