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

+ CM(M) 221/2018

PRAVEEN KUMAR

..... Petitioner

Through: Ms. Jyoti Taneja & Mr. Nikhilesh
Kumar, Advs.

versus

GULSHAN ARORA

..... Respondent

Through: Ms. Sonia A. Menon, Adv.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **27.02.2018**

CM No. 7469/2018 (exemption)

Allowed, subject to all just exceptions.

CM(M) 221/2018

Issue notice.

Ms. Sonia Menon, Advocate appears and accepts notice on behalf of the respondent who is defendant in the Civil Suit (CS No.156/17) which was instituted by the petitioner on 18.03.2016 for recovery of Rs. 1,40,000/-. Though, the suit was initially presented as a summary suit but with the consent of the petitioner/plaintiff it was treated as an ordinary suit. The suit was put to trial on the basis of pleadings, after issues were framed on 02.06.2016. It does appear there have been lapses on the part of the petitioner in diligent prosecution of the case, which resulted in the suit being

dismissed by order dated 22.10.2016 and later his application for revival of the suit by order dated 23.08.2017 which is impugned by the petition at hand.

The counsel for the respondent, on instructions, submits no objection except as to costs for the consequent delay and harassment.

Given the nature of the suit and the amount of money involved, on costs of Rs. 10,000/-, the impugned orders are set aside, the suit stands restored on the file of the Civil Court. For removal of doubts, if any, it is added that costs for adjournment earlier imposed by the Civil Court will also have to be paid.

The parties are directed to appear before the Civil Judge for further proceedings on 23rd March, 2018.

The petition and the application stand disposed of in above terms.

Dasti to both sides.

R.K.GAUBA, J

FEBRUARY 27, 2018

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