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

Date of Decision: 13.09.2018

+ **FAO(OS) 49/2018 & CM APPL.11191/2018**

M JEYCHANDREN

..... Appellant

Through: **Mr. Manish Kumar Srivastava, Adv.**

versus

UNION OF INDIA & ORS

..... Respondents

Through: **Mr. Neeraj Sharma, Ms. Archana
Lakhotia and Mr. Varun Loonkar,
Advs. for R-1**

Mr. Parth Goswami, Adv. for R-2

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

RAJENDRA MENON, CHIEF JUSTICE (ORAL)

1. Having heard the learned counsel for the parties, without adverting to consider various issues involved in the matter, we find that I.A. No.2582/2014 for amendment of the plaint and I.A.No.2874/2014 for ad interim reliefs were dismissed by the learned Single Bench on account of the counsel representing the appellant unable to argue on these applications and not on merit, that being so, as a matter of last indulgence, we grant one more opportunity to the appellant to argue these applications before the learned Single Bench.

2. We accordingly allow this appeal, quash the order dated 17.01.2018 passed by the learned Single Judge in CS(OS) No. 2012/2010, so far as it relates to dismissal of IA No. 2582/2014 being application under Order VI

Rule 17 CPC and IA No. 2874/2014 filed under Order XXXIX Rules 1 and 2 read with Order XXXIX Rule 10 of CPC and grant one more opportunity to the appellant to argue these applications on a date to be fixed by the learned Single Bench with clear stipulation that in case of failure of learned counsel for appellant to argue the applications, the learned Single Bench can proceed with the matter without granting any further time.

3. The appeal is allowed with a costs of ₹10,000/-, to be deposited with the Delhi State Legal Services Authority.

4. Appeal and the pending application stand disposed of accordingly.

CHIEF JUSTICE

V. KAMESWAR RAO, J

SEPTEMBER 13, 2018

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