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

+ **RFA 570/2018**

M.Z SIDDIQUI Appellant

Through: Mr. Asim Naeem, Advocate.

versus

SATISH BAJAJ Respondent

Through: Mr. Shlok Chandra, Advocate.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **23.07.2018**

CAVEAT No. 651/2018

1. Since counsel for the caveator/respondent has entered appearance, the caveat stands discharge.

RFA 570/2018 and C.M. Appl. Nos. 28677-78/2018

2. There is a limited issue in this appeal of whether just three days delay in filing of leave the defend application should be condoned. I am surprised that the trial court by the impugned order/judgment dated 22.3.2018 has not condoned this delay of just three days.

3. At this stage, counsels for the parties agree that the impugned order/judgment dated 22.3.2018 be set aside and the trial court now be directed to expeditiously dispose of leave to defend application filed by the appellant/defendant.

4. Accordingly, it is ordered that the parties will appear before the Court of Sh. R.P.S. Teji, ADJ-09 (Central), Tis Hazari Courts, Delhi, on 6th August, 2018 along with a copy of the present order and the trial court is directed to dispose of the leave to defend application in a period not exceeding three months.

5. It is also agreed that in case the appellant seeks any adjournment on the date fixed for hearing of the leave to defend application then such adjournment granted to the appellant will be subject to heavy costs.

6. This appeal is accordingly disposed of by setting aside the impugned order, but with the aforesaid observations for expeditious disposal of the leave to defend application.

Dasti to counsels for the parties.

VALMIKI J. MEHTA, J

JULY 23, 2018

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