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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 745/2018**

M/S BHARGAVA PAINTS AND HARDWARE Petitioner
Through: **Mr.Vineet Chaddha, Advocate**

versus

AJAY PASSI Respondent
Through:

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **10.07.2018**
CM No.26840/2018 (Exemption)

Exemption allowed, subject to just exceptions.

CM(M) 745/2018 and CM No.26839/2018

Vide the present petition, the petitioner assails the impugned order of the learned Court of the Additional District Judge –XIV in CS DJ No.283 of 18 whereby an application seeking setting aside of the decree and order under Section XXXVII rule 4 of the Code of Civil Procedure, 1908, was declined.

On behalf of the petitioner, it has been submitted to the effect that the observations in the impugned order relate to extraneous circumstances in relation to the aspect as to which doctor the applicant chose to seek treatment from.

Be that as it may, the applicant concedes and as it is borne out from the record as indicated vide proceedings dated 7.11.2017, that the requisite appearance has not been made after service of the

summons for appearance within the stipulated period of 10 days from the date of service on the petitioner and no attempt having been made by the petitioner to ascertain the fate of the litigation thereafter despite the said appearance, till the filing of the application seeking setting aside of the decree passed against him, it is apparent that there is no merit in the petition, which is thus declined.

ANU MALHOTRA, J

JULY 10, 2018/sv