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

+ CM(M) 381/2015 and CM APPL.7966/2015 (stay)

HARYANA STATE SMALL INDUSTRIES & EXPORT
CORPORATION LTD

..... Petitioner

Through: Mr. B.K. Mishra, Advocate

versus

ATUL KUMAR SEHGAL

..... Respondent

Through: Mr. R.K. Thakur, Advocate with
respondent in person.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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29.01.2018

After some hearing, the counsel for the respondent fairly concedes that the appeal (RCA No.24/2010) of the petitioner against the judgment dated 04.03.2010 of the Senior Civil Judge (Central) on the file of his civil suit (CS No.245/06/95) which was dismissed for non-prosecution by order dated 29.07.2013 and the application later moved (M-45/2013) by order dated 17.02.2014 may be restored on the file of the first appellate Court, *i.e.* the Additional District Judge (ADJ) so that a decision is rendered on merits.

The counsel for the respondent, however, points out that the petitioner has been guilty of utter neglect and defaults which have resulted in he being denied the fruits of litigation which had been initiated in April, 1995 till date.

On perusal of the record, particularly the impugned orders, it is clear that the petitioner has failed to assist the court for expeditious adjudication

on the contentions urged in the appeal which was brought before the Court of ADJ.

In the facts and circumstances, the petition is allowed with costs of Rs.20,000/- and a rider that the petitioner shall assist the first appellate Court by remaining present through counsel duly briefed at the time of final hearing.

The impugned orders are set aside. The first appeal as aforesaid of the petitioner is revived on the file of the ADJ, who will be expected to decide the same after affording opportunity to the parties for hearing on merits at an early date, preferably within six months of the date of first appearance as is now being fixed.

The parties shall appear before the first appellate Court on 26th February, 2018.

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

R.K.GAUBA, J.

JANUARY 29, 2018

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