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

+ CM(M) 1034/2014 & CM No. 19137/2014(stay)

GAGANDEEP SINGH Petitioner

Through: Mr. J.C. Mahindro & Mr. Lovish
Seth, Advs.

versus

GULSHAN VERMA Respondent

Through: Mr. Anurag Parashar, Adv.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **10.01.2018**

After some hearing, the learned counsel for the respondent fairly concedes that the impugned judgment passed ex-parte under Order XXXVII CPC against the petitioner on 16th August, 2012 in civil suit (suit no. 127/2012) and the subsequent order whereby his application under order XXXVII Rule 4 CPC for review were dismissed may be set aside. He also concedes that the defendant in the suit may be treated as having entered appearance in the said proceedings today for further proceedings to follow in such wake.

The impugned orders and also the *ex-parte* judgment dated 16.08.2012 are set aside. The petitioners shall be treated as having entered appearance before the trial court today. The further proceedings will be undertaken in accordance with law.

For clarity, it is added that the respondent, the plaintiff of the suit, will have the liberty to take out appropriate proceedings to seek summons for judgment to be issued.

The petition and accompanying application are disposed of with these observations.

Given the old pendency of the matter, this Court hopes and trusts that the trial judge will proceed with the case expeditiously.

R.K.GAUBA, J

JANUARY 10, 2018/umang