

\$~2

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

+ **MAT.APP.(F.C.) 193/2017**

SUMIT SONI

..... Appellant

Through: Mr. Divjeet Singh, Advocate with Mr.
Yogender Kumar Sharma, Advocate

versus

PARVEEN SONI

..... Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

%

02.01.2018

C.M. No.41638/2017 (Restoration)

The present application under Order XLI Rule 11 of the Code of Civil Procedure, 1908 (for short 'CPC') instituted on behalf of the applicant/appellant seeks recall of the order dated 07.11.2017, whereby the accompanying appeal came to be dismissed in default and for non-prosecution, on account of the circumstance that there was no appearance on behalf of the applicant/appellant.

For the reasons stated in the application which are duly supported by an affidavit and in the interest of justice, the same is allowed. The appeal is restored to its original number.

The application is disposed of accordingly.

CM No.39873/2017 (Exemption)

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

C.M. No.39875/2017 (Condonation of Delay in Refiling)

The present application under Section 151 of the CPC instituted on behalf of the applicant/appellant seeks condonation of 9 days' delay in refiling the accompanying appeal.

For the reasons stated in the application which are duly supported by an affidavit the same is allowed. The delay of 9 days in refiling the accompanying appeal is condoned.

The application is disposed of accordingly.

C.M. No.39874/2017 (Condonation of Delay in Filing)

The present application under Section 151 of the CPC instituted on behalf of the applicant/appellant seeks condonation of 96 days' delay in filing the accompanying appeal.

For the reasons stated in the application which are duly supported by an affidavit and in view of the circumstance that the appeal itself is being disposed of on merits, the same is allowed. The delay of 96 days in filing the accompanying appeal is condoned.

The application is disposed of accordingly.

MAT.APP.(F.C.) 193/2017

Learned counsel appearing on behalf of the appellant, after some arguments, and without prejudice to his rights and contentions in the original proceedings, seeks leave to withdraw this appeal at this stage.

Leave granted.

The appeal is dismissed as withdrawn and disposed of accordingly.

SIDDHARTH MRIDUL, J

DEEPA SHARMA, J

JANUARY 02, 2018

dn