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

+ C.R.P. 10/2016 & CM No. 2048/2016 (stay)

UMESH KUMAR & ANR Petitioners
Through: Mr. R.S. Sharma, Adv.

versus

SHIV KUMAR AND ANR Respondents
Through: Mr. A.K. Verma & Mr. Bharat
Bhushan, Advs. for R-1.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **28.02.2018**

After some hearing, the counsel for the respondents fairly concedes that the delay in filing RCA No. 33/2015 against the judgment of the Civil Judge dated 23.10.2013 dismissing the suit 150/2013 may be condoned and the said appeals directed to be heard on merits by the first appellate court presided over by the Additional District Judge though subject to suitable order as to costs on account of the harassment caused to the respondents. Having regard to the background facts, the prayer in the petition is granted subject to costs of Rs. 10,000/- The delay in filing the appeals as aforesaid is condoned. The appeals shall be taken up by the first appellate court for being heard on merits.

The parties shall appear before the first appellate court on 20th March, 2018.

The petition and the application filed therewith stand disposed of in above terms.

R.K.GAUBA, J

FEBRUARY 28, 2018

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