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

+ RFA(OS) 96/2019

VAISHALI KAPUR

..... Appellant

Through: None

versus

SANTOSH NAYAR & ORS

..... Respondents

Through: Mr. Manoj Chauhan, Advocate for
respondent no.2.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **20.01.2020**

C.M. APPL. 2004/2020 (Exemption)

Allowed, subject to all just exceptions.

**C.M. APPL. 1955/2020 (by the respondent no.2 for a correction in para
No.1 of the order dated 10.12.2019)**

1. This application has been moved by the respondent no.2 stating *inter alia* that due to a typographical error, the date of the impugned judgment passed by the learned Single Judge has been wrongly typed as '22.09.2019' whereas the correct date is '23.09.2019'.

2. A perusal of the application reveals that an advance copy thereof was sent by speed post directly to the appellant. Despite that, none was present on her behalf. The matter was passed over to enable learned counsel for respondent no.2 to request counsel for the appellant to be present when the application is taken up again.

3. On the second call, learned counsel for the respondent no.2 states that he had telephoned Mr. Raghav Kakkar, counsel for the appellant and had informed him about the listing of the application today, but he had said that he has no instructions. He states that thereafter, he received a call from the husband of the appellant who conveyed that his wife is also being represented by Mr. M A Khan, Advocate but he went on to say that he is not available today.
4. In view of the fact that the prayer made in the instant application is innocuous and only a correction of a typographical error that has crept in para No.1 of the order dated 10.12.2019, is sought which is formal in nature, there is no reason to await the presence of the counsel for the appellant. The application is allowed. Para No.1 of the order dated 10.12.2019, is corrected and the date of the impugned judgment mentioned therein shall be read as '23.09.2019' instead of '22.09.2019'.
5. This order shall be read as part and parcel of order dated 10.12.2019.
6. The application is disposed of.

HIMA KOHLI, J

ASHA MENON, J

JANUARY 20, 2020/sm