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

+ RFA 804/2018 and C.M. No.38987/2018(stay)

SUNIL KUMAR

..... Appellant

Through: Mr. L.K. Passi, Advocate with Mr.
N.M. Rajesh, Advocate (M.
No.9910893865).

versus

M/S SMART LED PVT LTD

..... Respondent

Through: Mr. Amar Khera, Advocate with Mr.
Ashok Kumar Bhatia, Advocate.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **07.01.2019**

1. After arguments, this appeal is disposed of with the consent order by setting aside the impugned judgment dated 9.7.2018 which has decreed the Order 37 CPC suit by refusing to condone the delay in filing appearance under Order 37 CPC.

2. In the peculiar facts of this case, and noting that filing of vakalatnama is treated as filing of appearance under Order 37 CPC, and therefore, there is delay of 50 days in filing appearance through vakalatnama, it is agreed that the appeal is allowed and disposed of subject to payment of costs of Rs.10,000/- by the appellant to the counsel for the

respondent. Costs be paid within three weeks from today and trial court will now proceed to hear and dispose of Order 37 CPC suit in accordance with law.

3. Parties to appear before the District & Sessions Judge, Shahdara District, Karkardooma Courts, Delhi on 29th January, 2019 and the District & Sessions Judge will now mark the suit for disposal to a competent court in accordance with law.

VALMIKI J. MEHTA, J

JANUARY 07, 2019

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