

\$~25

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

+ **FAO 473/2018 & C.M. No.41361/2018**

SUNITA YADAV & ANR Appellants

Through: Ms. Vagisha Kochar, Advocate.

versus

BIMLA DEVI & ORS Respondents

Through: Mr. G.S. Sharma, Advocate for R1 to R5.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

% **21.02.2019**

1. Mr.G.S. Sharma, learned counsel for the respondents, states that if the impugned order dated 26.07.2018 dismissing the application of the appellants/plaintiffs for restoration of the suit is set aside and the suit is restored to its original number and the appellants are permitted to place on record the amended plaint, he has no objection, except for cost.
2. In the circumstances, the impugned orders dated 09.04.2018 and 26.07.2018 passed by the learned Additional District Judge-03, North-West District, Rohini Courts, Delhi (ADJ) passed in CS 371/2018 and M.No.371/18 are set aside. The civil suit filed by the appellants is restored to its original number and position, subject to payment of cost of Rs.5,000/-. Amended plaint as well as Court Fees filed along with the application under Order IX Rule 9 CPC, shall be taken on record by the learned ADJ.
2. The appeal along with application being C.M. No.41361/2018 is disposed of accordingly.

VINOD GOEL, J.

FEBRUARY 21, 2019

"shailendra"