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

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Judgment delivered on: 21.01.2020

+ FAO 32/2020

SANJAY NAGORE

..... Appellant

versus

BRAJ MOHAN GARG

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Anjum Kumar with Mr. Nariman Thakkar, Ms. Priyanka Puglani and Mr. Vivek Malhotra, Advocates.

For the Respondent: None.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM APPL.2320/2020 (exemption)

Exemption is allowed subject to all just exceptions.

CM APPL.2318/2020 (for condonation of delay in filing)

1. Appellant, by the present appeal, impugns order dated 06.07.2017, whereby, the Appellate Court dismissed the application of the appellant under Order IX Rule 13 CPC.

2. A suit was filed against the appellant for recovery of money, which was dismissed by the Trial Court on 21.04.2010.

3. On an appeal filed by the respondent, the Appellate Court decreed the suit by its judgment dated 18.02.2011.

4. Appellant filed an application under Order IX Rule 13 CPC seeking recall of the exparty judgment dated 18.02.2011, which application was dismissed by order dated 06.07.2017. The appellant impugns the order, whereby, his application under Order IX Rule 13 has been dismissed.

5. There is a delay of 810 days in filing the appeal. The only ground mentioned by the appellant in the application seeking condonation of delay is that he is working for gain and is employed outside Delhi and is presently employed at Hetich India Pvt. Ltd. at Vadodara, Gujarat and it was difficult for him to pursue the matter at Delhi.

6. Merely because somebody is working outside Delhi is no ground to condone the delay. There is no explanation given by the appellant for filing the appeal with a delay of 810 days in the application. The only ground mentioned i.e., working outside Delhi in Gujarat is by itself not a sufficient cause for condoning the delay of 810 days.

7. Since appellant has not shown sufficient cause for condonation of delay of 810 days, the application seeking condonation of delay is dismissed.

FAO 32/2020 & CM APPL.2319/2020 (stay)

Since, the application seeking condonation of delay has been dismissed, consequently, the appeal filed by the appellant is also dismissed as being barred by limitation.

SANJEEV SACHDEVA, J.

JANUARY 21, 2020
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