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

+ **C.R.P. 145/2024**

DHARAMVIR SINGH Petitioner

Through: Mr. Vimal Puggal, Adv.

versus

SAVITRI DEVI Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **02.05.2024**

1. This hearing is being conducted through hybrid mode.

CM APPL. 25551/2024 (Ex.)

2. Allowed, subject to all just exceptions.

3. The application stands disposed of.

CM APPL. 25552/2024 (Delay of 08 days in re-filing the present petition)

4. This application has been moved on behalf of the petitioner seeking condonation of delay of 08 days in re-filing the present civil revision petition.

5. For the reasons stated in the application, the application is allowed and delay of 08 days in re-filing the present civil revision petition is condoned.

6. The application stands disposed of.

C.R.P. 145/2024 and CM APPL. 25550/2024 (Stay)

7. The petitioner has preferred the present revision petition in



terms of Section 115 of the Code of Civil Procedure, 1908¹ challenging the impugned order dated 03.11.2023 passed by the learned Additional District Judge, North-West District, Rohini Courts, Delhi, whereby his application under Order IX Rule 9 of the CPC for restoration of the appeal was dismissed.

8. None appeared for the respondent despite sending advance notice.

9. Having heard the learned counsel for the petitioner and on perusal of the record, I find that the present revision petition is bereft of any merits.

10. The petitioner filed an appeal on 31.09.2019 against the judgment and decree dated 12.09.2019 passed by the Court of learned Senior Civil Judge-cum-Rent Controller, Rohini Courts, Delhi. The said appeal was **dismissed for non-appearance of the petitioner/appellant on 22.12.2012**. An application was then moved under Order IX Rule 9 of the CPC by the petitioner/**appellant on 19.08.2023** for restoration of the appeal to its original number and position and for further hearing.

11. Evidently, no sufficient cause was advanced by the petitioner/appellant, who claims to be a practicing Advocate, and an excuse was taken that there was another suit pending which was filed by the respondent/plaintiff, and which had been dismissed by the Court of learned Additional District Judge, North-West District, Rohini Courts, Delhi *vide judgment dated 24.12.2022*. It was sought to be canvassed that the petitioner/appellant had wrongly noted down the date of hearing as 22.12.2022 instead of 02.12.2022 and could not put appearance.

¹ CPC



12. The justification given by the petitioner/appellant is not fathomable. The learned appellate Court rightly found that the application for restoration of the appeal was highly belated as the same had not been filed within 30 days of the dismissal or knowledge that must have been acquired on 22.12.2022.

13. In view of the foregoing discussion, the present revision petition is dismissed.

DHARMESH SHARMA, J.

MAY 02, 2024/sm