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

+ **RFA(COMM) 243/2024 & CM APPL. 36561/2024**

RAMESH KAPUR

.....APPELLANT

Through: Mr Prag Chawla, Ms Jaspreet Kaur and
Ms Muskan Aggarwal, Advs.

versus

GURDEEP SINGH GUJRAL & ORS.

.....RESPONDENTS

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

03.07.2024

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[Physical Hearing/Hybrid Hearing (as per request)]

CM No.36561/2024

1. Allowed, subject to just exceptions.

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2. This appeal has been preferred against the order dated 23.03.2024 whereby, the learned District Judge (Commercial Court)-01, South West District, Dwarka Courts, Delhi has dismissed the suit preferred by the appellant for non-prosecution.

3. The impugned order has been passed on the ground of failure of the appellant to comply with the direction to place on record duplicate set of the plaint and the list of documents.

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4. Mr Prag Chawla, counsel who appears on behalf of the appellant, submits that although the appellant has been remiss, necessary steps will be taken to cure the deficiencies.

4.1 The statement of Mr Chawla is taken on record.

5. The impugned order is set aside. The suit is restored to its original position. The suit will be listed before the concerned court on 19.07.2024.

6. The appellant will comply with the directions issued by the trial court within the defined timeline, failing which the trial court will be at liberty to pass appropriate orders.

7. Furthermore, the appellant is directed to deposit Rs.7,500/- towards costs with the Delhi High Court Legal Services Committee, Account No.15530110008386, IFSC:UCBA0001553, UCO Bank, Delhi High Court Branch within the next seven (7) days.

7.1 The proof of costs will be placed before the trial court on the date given above, i.e., 19.07.2024.

8. The appeal is disposed of, in the aforesaid terms.

9. Parties will act based on the digitally signed copy of the order.

RAJIV SHAKDHER, J

AMIT BANSAL, J

JULY 3, 2024

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[Click here to check corrigendum, if any](#)

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