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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO (COMM) 208/2024 & CM APPL. 60169/2024(Stay)**

DHIRENDRA KR SINGHAppellant
Through: **Ms. Pinky Bhangu, Advocate.**
versus

HITLERRespondent
Through: **None.**

CORAM:
HON'BLE MR. JUSTICE YASHWANT VARMA
HON'BLE MR. JUSTICE RAVINDER DUDEJA

% **ORDER**
18.10.2024

1. This appeal is directed against the order dated 23 July 2024 pursuant to which the Trial Judge has found no ground to condone the delay caused in the preferment of the application under Order IX Rule 13 of the Code of Civil Procedure, 1908 ['CPC'].
2. As we peruse the order impugned before us, we find that the Trial Judge has come to record a categorical finding that despite having obtained knowledge of the ex parte judgment and decree dated 23 August 2023, the applicant/appellant had failed to move in terms of Order IX Rule 13 CPC within a period of 30 days as prescribed. It has further observed that no plausible explanation for the delay has been proffered.
3. In view of the aforesaid, we find no merit in the instant appeal, which shall stand dismissed.

YASHWANT VARMA, J.

RAVINDER DUDEJA, J.

OCTOBER 18, 2024/ib