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

+ **RFA 259/2023**

ASHWANI BAJAJ THROUGH LR SEEMA BAJAJAppellant

Through: Mr. Rahul Kumar, Advocate

versus

SUSHIL SACHDEVA & ANR.Respondents

Through: Mr. Ankur Chaudhary, Advocate

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

12.02.2025

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

CM APPL. 8434/2025 (for restoration)

1. The appellant seeks restoration of this appeal dismissed in default on 29.01.2025. The default in appearance is explained on the ground that learned counsel was travelling on 29.01.2025. But there is no explanation as to why the appellant herself could not appear or as to why not even a proxy counsel appeared.
2. Learned counsel for respondents appearing on advance intimation accepts notice and strongly opposes the application.
3. In the normal course, the application would have been dealt with in a different manner. But in view of circumstances mentioned in order dated 29.01.2025, the application is allowed subject to cost of Rs. 10,000/- to be paid by the appellant to the respondents through respondent no. 1 within one week and accordingly the appeal is restored.



RFA 259/2023 & CM APPL. 15712/2023 (stay)

4. Relist on 14.08.2025.

5. At request of both sides, it is made clear that the interim protection granted ex-parte to the appellant by the predecessor bench vide order dated 29.03.2023 ceases to exist, to be considered on the next date of hearing in view of circumstances mentioned in last order. Therefore, execution proceedings may continue.

GIRISH KATHPALIA, J

FEBRUARY 12, 2025/as

Click here to check corrigendum, if any