



2025:DHC:2724



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of Decision: 16.04.2025*+ **C.R.P. 111/2025****SUNDEEP KUMAR VERMA**

.....Petitioner

Through: Ms. Parisha Vishnoi, Mr. Arjun and
Ms. Aashish Kumar Sagar, Advts.

versus

ARCHANA SINGH

.....Respondent

Through:

CORAM:**HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)**

1. The present Petition has been filed under Section 115 of the Code of Civil Procedure, 1908 (CPC) impugning the order dated 21.01.2025 [hereinafter referred to as "Impugned Order"] passed by the learned District Judge-04, Patiala House Courts, Delhi. By the Impugned Order, the Application under Order IX Rule 9 of the CPC which was filed by the Respondent/Plaintiff seeking restoration of the suit as well as accompanying Application under Section 5 of the Limitation Act, 1963 seeking condonation of delay in filing the restoration have been allowed.
2. The Respondent/Plaintiff had filed a suit for damages before the learned Trial Court. The Respondent/Plaintiff did not appear before the learned Trial Court for hearing and subsequently by an order dated 02.07.2024, the suit was dismissed in default and on account of non-appearance.
3. The Application under Order IX Rule 9 of the CPC was filed by the Respondent/Plaintiff seeking restoration of the suit. The ground for seeking



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restoration were two-fold. Firstly, that there was incessant rain and the Respondent/Plaintiff was also not feeling well on that date, hence she could not appear before the Court on 02.07.2024. Secondly, it was stated that as far as the Counsel for Respondent/Plaintiff is concerned, on account of connectivity issues on the date of hearing, there was no appearance on that date by the Counsel for the Respondent/Plaintiff either.

3.1 So far as concerns the delay of 43 days in filing the Application for restoration, it is stated in the Application for condonation of delay that there was a strike by the Bar Association, Patiala House Courts, New Delhi on 27.07.2024, thus the Counsel for Respondent/Plaintiff was unable to appear and on his way back, his case file was stolen. The Counsel required some time to re-construct the case file, there was a delay in filing the Application for restoration.

4. The learned Trial Court has examined both the Applications filed by the Respondent/Plaintiff and in light of the provisions of Order IX Rule 9 of the CPC found sufficient cause for the delay as well as for restoration of the suit was established. The learned Trial Court directed restoration of the suit on payment of costs in the sum of Rs. 5,000/- by the Respondent/Plaintiff.

5. An examination of the Impugned Order shows that there is no infirmity with the same.

6. At this stage, learned Counsel for the Petitioner, on instructions from the Petitioner, seeks and is granted permission of the Court to withdraw the present Petition. The Petition is accordingly, dismissed as withdrawn.

7. The parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

APRIL 16, 2025/r

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