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

+ **CS(OS) 413/2021**

SH. KRISHANPlaintiff

Through: Mr. A.K. Sen, Adv.
versus

SH. H. VIKRAMDefendant

Through: Mr. Praveen Kumar, Mr. Sarthak
Gupta and Mr. Suman Raj, Advs.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **26.02.2026**

I.A. 30094/2025 (under Section 5 of Limitation Act for condonation of one day delay in filing the application)

1. For the reasons mentioned in the application, the same is allowed.
2. The application stands disposed of.

I.A. 30093/2025 (under Order IX Rule 9 CPC read with Section 151 CPC for setting aside order of dismissal dated 16.10.2025)

3. The present application has been filed by the plaintiff seeking restoration of the suit which was dismissed for non-prosecution *vide* order dated 16.10.2025.
4. Mr. A.K. Sen, learned counsel appearing on behalf of plaintiff submits that on the said date his associate had appeared and had apprised the Court that he has not been able to contact the plaintiff, but on the said ground suit was dismissed for non-prosecution.
5. He submits that later it transpired that plaintiff's son namely Amit Kumar was admitted in Fortis Hospital and for the said reason, the plaintiff



could not give instructions to his counsel.

6. No reply to the application has been filed.

7. In view of the justification put forth by the plaintiff in the application, this Court is of the view that sufficient cause has been shown. Therefore, the application is allowed and the suit is restored to its original number.

8. The application is disposed of.

O.A. 53/2025 (by appellant)

9. Mr. A.K. Sen, learned counsel appearing on behalf of plaintiff submits that the present O.A. has been filed by the applicant, whose application seeking impleadment was dismissed. He prays for time to file reply.

10. Let reply be filed within a period of four weeks.

11. Rejoinder thereto, be filed before the next date.

12. At this stage, Mr. Praveen Kumar, learned counsel appearing on behalf of defendant enters appearance.

13. He submits that reply has been filed by the defendant to the present O.A. However, the same is under objection. Let him pursue with the Registry and have the same placed on record before the next date.

14. Re-notify on 18.08.2026.

VIKAS MAHAJAN, J

FEBRUARY 26, 2026

N.S. ASWAL