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

+ **FAO 15/2024 and CM APPL. 1517/2024**

AJAY KUMAR SONI

.....Appellant

Through: Mr.Waseem Akhtar Khan, Advocate

versus

MADHU SUDAN LAL & ORS.

.....Respondents

Through: Mr.Rahul Ranjan and Mr.Goapl Sharma,

Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **18.05.2026**

1. By way of the present appeal, the appellant, who was the defendant before the Trial Court, seeks setting aside of the order dated 27.10.2023 passed in Application No. Misc. DJ No. 482/23 filed under Order IX Rule 13 CPC seeking recall of the ex-parte judgment and decree dated 19.09.2020 passed in Civil Suit No. 10894/16.
2. After some arguments, learned counsel for the respondents submits that, in view of the submissions made in the present appeal, he fairly does not oppose the appeal; however, he prays that some costs may be imposed.
3. Considering that the underlying suit is for recovery of Rs.15,60,000/- and for the reasons stated in the appeal, as well as the fact that no reply has been filed by the respondents, the appeal is allowed and the ex-parte judgment and decree are set aside, subject to payment of costs of Rs.5,000/-.
4. The matter be listed before the Trial Court on 28.05.2026 at the first instance. The pending application is also disposed of.

MANOJ KUMAR OHRI, J

MAY 18, 2026/na