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

% *Date of decision: 15th July, 2024*

+ CM(M) 1449/2022 & CM APPL. 4118/2023

M/S G. F. ELECTRONICSPetitioner

Through: Mr. Manmeet Sing Maini, Advocate.

versus

ASHISH AGGARWALRespondent

Through: Mr. R.K. Singla with Mr. Pankaj Jain,
Mr. Rajender Kumar, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner herein is defendant before the learned Trial Court and is defending a commercial suit.
2. After framing of the issues and when the case was at the stage of plaintiff's evidence, the petitioner herein did not appear before the learned Trial Court on 26.05.2022 and, therefore, it was proceeded against ex-parte and the matter was accordingly listed for ex-parte plaintiff's evidence.
3. The petitioner moved an application under Order IX Rule 7 CPC before the learned Trial Court. However, such application was dismissed, being devoid of merits vide order dated 12.08.2022. Petitioner moved an application seeking review of the order dated 12.08.2022 and such application was also dismissed, being not



maintainable vide order dated 12.10.2022.

4. Such orders are under challenge.
5. During course of the arguments, learned counsel for the respondent states that he has taken requisite instructions and he does not want to delay his suit any further and would have no objection if the present petition is allowed and the ex-parte order is set aside. He, however, states that caution be issued to the petitioner to ensure that it does not take any unnecessary adjournment before the learned Trial Court in future.
6. Keeping in mind the overall facts and circumstances of the case, the reasons assigned in the present petition and also keeping in mind the generous concession given by the learned counsel for the respondent, the present petition is allowed and the ex-parte order dated 26.05.2022 is set aside.
7. Needless to say, if any cost is unpaid, the same would be cleared by the petitioner within two weeks from today.
8. Petition is, accordingly, disposed of.
9. Copy of the order be given Dasti under the signatures of the Court Master.

(MANOJ JAIN)
JUDGE

JULY 15, 2024
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