



2025:DHC:5538



§~47

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of Decision: 10.07.2025***+ **C.R.P. 193/2025**

DIVAY BHASIN

.....Petitioner

Through: Mr. Vipin Dilawari, Adv.

versus

SHARAD KUMAR SACHAN

.....Respondent

Through:

CORAM:**HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)****CM Appl. 40109/2025/Exemption from filing certified copies**

1. Allowed, subject to just exceptions.
2. The Application stands disposed of.

C.R.P. 193/2025

3. The present Petition has been filed under Section 115 of the Code of Civil Procedure, 1908 [hereinafter referred to as "CPC"] impugning the order dated 22.04.2025 passed by the Senior Civil Judge, West District, Tis Hazari Court, Delhi [hereinafter referred to as "Impugned Order"]. By the Impugned Order, the learned Trial Court has dismissed the suit filed by the Petitioner for non-appearance as well as for non-compliance of the previous order.

4. Learned Counsel for the Petitioner submits that the Petitioner [Plaintiff before the learned Trial Court] had already placed on record his evidence by way of affidavit but the Petitioner was unable to appear on 22.04.2025 since he was travelling. He seeks to rely upon the copies of the passport, tickets and visa as filed with the Petitioner in this behalf. Learned



2025:DHC:5538



Counsel for the Petitioner further submits that thus, an adjournment was sought on 22.04.2025 in view of the program for international travel of the Petitioner/Plaintiff.

5. The record of the learned Trial Court reflects that the Respondent was proceeded as *ex-parte* on 07.12.2024 and the matter was fixed for evidence of the Petitioner on 15.02.2025. However, a request for an adjournment was also sought on that date. Thus, the learned Trial Court dismissed the matter for non-prosecution when the second adjournment was sought on 22.04.2025.

5.1 Learned Counsel for the Petitioner submits that he has a good case on merits and he may be given one final opportunity to lead his evidence in the matter.

6. In view of the foregoing circumstances and in the interest of justice, the Impugned Order is set aside subject to the payment of costs in the sum of Rs. 10,000/- payable by the Petitioner directly to “DHCBA Cost A/c No. 15530110179338”.

7. Learned Counsel for the Petitioner submits that no unnecessary adjournments will be taken by the Petitioner before the learned Trial Court. The Petitioner is bound down by the statement made by his Counsel. The Petitioner shall appear before the learned Trial Court on 24.07.2025.

8. The Petition is disposed of in the foregoing terms.

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

TARA VITASTA GANJU, J

JULY 10, 2025/r