

S.B.Civil Restoration Petition NO.10/2005
in
S.B. Misc.Appeal No.3458/2003 (Defect)

Banshi Mal
vs
Banwari Lal

DATE OF ORDER : - 25.2.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr. Vijay Aggarwal, for the petitioner.

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Heard learned counsel for the petitioner.

The present restoration application has been filed for restoration of S.B.Civil Misc. Appeal No.3458/2003(Defect). It appears from the record that impugned order in the proceedings under Order 39 Rule 1 and 2 and on application under Order 40 Rule 1 and 2 CPC was passed by the trial court on 31st March, 2003. The present appeal was preferred on 2nd July, 2003. The office pointed out the defects, but the defects were not removed even by 26th July, 2004. In the matter of grant of temporary injunction and appointment of receiver, if the appellant is not vigilant in preferring proper appeal and continues with the appeal keeping the appeal pending in defect side then there appears to be no reason for restoration of the appeal.

Hence, the restoration application of the petitioner is dismissed.

(Prakash Tatia), J.

c.p.goyal/-