

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JAIPUR BENCH JAIPUR

ORDER

S.B.CIVIL RESTORATION APPLICATION NO.947/2011
IN
S.B. CIVIL SECOND APPEAL NO.764/2011

DATE OF ORDER --- NOVEMBER 30, 2012

PRESENT

HON'BLE MR.JUSTICE PREM SHANKER ASOPA

Mr.B.M.Singh, for the appellant
Mr.Ashwani Chobisa, for the respondent

Heard learned counsel for the parties on the application u/s 5, Limitation Act as well as the restoration application.

Counsel for the appellant submits that the aforesaid appeal had been dismissed for the reason of non-compliance of the peremptory order dated 9.9.2011 due to illness and old age. The earlier counsel for the appellant could not appear before the Court nor informed the appellant, therefore, the appeal had been dismissed for non compliance of the said peremptory order. Thereafter, the present counsel has been engaged and the restoration application has been filed.

Counsel for the respondent submits that the Court may pass appropriate order.

On consideration of the aforesaid submissions, in my view the cause shown by the appellant constitutes sufficient cause for condonation of the delay in filing the restoration as well as for allowing the restoration application. Therefore, the delay in filing the restoration application is condoned and SBCSA No.764/2011 is restored to its original number.

(Prem Shanker Asopa) J.

गोपाल

All corrections made in the judgment/order have been incorporated in the judgment/order being e-mailed.

Gopal Lal Sharma
Private Secretary