

AO No. 252 of 2011

Hon'ble Servesh Kumar Gupta, J.

Mr. Tanveer Alam Khan, Sr. Advocate assisted by Mr. Aditya Kumar Arya, Advocate for the applicant/appellant.

Mr. I.P. Kohli, Standing Counsel for State/respondent nos. 1 to 3.

Having heard learned counsel for the applicant/appellant on the restoration application and the delay condonation application, it transpires that the plot nos. 392/1030, 392/1031 and 392/1041, wherefor, the Original Suit no.80/2001 was launched by Mr. Ram Swaroop, the same was dismissed for non-prosecution and the application under Order 9 Rule 13 CPC moved by the plaintiff was also rejected by the impugned order dated 20.5.2011. No interim stay was ever granted to the plaintiff by the Court. The appeal was dismissed on 10.09.2013 in want of non-prosecution. Now, this restoration application has been moved seeking the condonation of delay inasmuch as 449 days.

The Court has considered the merits of the case and finds no reason to allow the delay condonation application as well as restoration application. It may be mentioned here that the land, in question, came in possession of the plaintiff or his wife or his ancestors during the course of employment as an employee to their employer. They are not entitled to claim any ownership on the basis of inheritance on the property.

Therefore, restoration application (MCC No.11 of 2015) and delay condonation application (CLMA No. 121 of 2015) are hereby rejected. Consequently, appeal is also dismissed.

(Servesh Kumar Gupta, J.)

27.02.2015