

IN THE HIGH COURT OF JUDICATURE FOR

RAJASTHAN BENCH AT JAIPUR

ORDER

S.B. CIVIL MISC.RESTORATION APPLICATION NO.192/2015.
in
S.B. CIVIL SECOND APPEAL No.485/2007.

State of Rajasthan & Ors.
Vs.
Ashok Trivedi

Date of Order : February 27, 2015.

HON'BLE MRS.JUSTICE NISHA GUPTA

Shri Ankur Surana on behalf of
Shri A.S. Khangarot, Additional Government Counsel
for the applicant-appellants.

* * * * *

BY THE COURT:-

The restoration application has been filed with the contention that the matter was listed on 05/02/2015. The counsel was busy in another court and when he rushed to the court, the matter was disposed of hence, absence was bonafide and the appeal be restored to its original number.

Heard learned counsel for the applicant-appellants and perused the impugned-order.

Perusal of the impugned-order speaks that none appeared on 05/02/2015 and also, requisite notices have not been filed since 04/12/2009 hence, appeal has not been dismissed only for the absence of

the counsel for the applicant-appellants but also for non-compliance of the order and it has also been brought to the notice of this Court that earlier also on 17/04/2012, appeal has been dismissed by peremptory order as requisite PF & Notices have not been filed. Advocate could be busy in another court but the appellant is the State and officer-in-charge was under a duty to be present in court to comply with the orders of this Court but the officer-in-charge has remained negligent and no reason has been shown why the officer-in-charge was not present on that day and why order of this Court has not been complied since 2009.

Hence, in view of above, there is no good and sufficient cause to restore the appeal.

Consequently, this restoration application is dismissed.

(NISHA GUPTA), J.

Anil/19

All corrections made in the judgment/order have been incorporated in the judgment/order being e-mailed
Anil Kumar Goyal
Sr.P.A. Cum JW