

M C C No. 225 / 2015

31/03/2016

Mr. Maqbool Ahmad, learned counsel for the petitioner.

The present MCC has been filed for restoration of SA No. 542/2007. It was an admitted appeal and during the pendency of the appeal, the respondent expired and an application was preferred ie., IA No. 8478/2008 for bringing legal representatives on record. The same was allowed on 15/4/2011 and the appellant was required to carry out amendment. The amendment was not carried out and on 17/6/2013 two weeks time was granted to carry out the amendment in an admitted appeal.

Contention of the learned counsel is that he was not aware of the order dt. 17/6/2013 and, therefore, was not able to carry out amendment and later on when the appellant visited the office, an enquiry was made from the High Court and it was informed to the appellant that the appeal has been dismissed long back on 4/7/2013. He has immediately filed an application for restoration.

There is a delay of 590 days.

This Court taking into account that it was an admitted appeal and has been dismissed on account of non compliance for carrying out the amendment, is of the opinion that the delay deserves to be condoned and is accordingly hereby condoned. IA No. 2536/2015 stands allowed.

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After hearing learned counsel for the parties the present application for restoration is **allowed and disposed of**. SA No. 542/2007 is restored to its original number.

A copy of this order be placed in the record of SA No. 542/2007.

List SA No. 542/2007 in due course. Learned counsel for the appellant is granted 4 weeks time to carry out the amendment in the Second Appeal.

(S. C. SHARMA)  
J U D G E

**KR**