

Court No. - 92

Case :- APPLICATION U/S 482 No. - 15734 of 2009

Applicant :- Lal Chand Jaiswal And Another

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- S.K. Dubey

Counsel for Opposite Party :- Govt. Advocate, M.P. Singh Gaur, Ravi Chandra

Hon'ble Anish Kumar Gupta, J.

Order on the Restoration Application

1. None is present on behalf of the applicants as well as for the opposite party no.2. Sri Pankaj Srivatava, learned A.G.A. is present for the State.

2. The instant application has been filed seeking quashing of the complaint case no. 1131 of 2008 (Prity Jaiswal Vs. Lal Chand Jaiswal and another), under Sections 498A, 323, 504, 506 IPC and 3/4 of D.P. Act, pending before A.C.J.M., Ghyanpur, Bhadohi.

3. Vide order dated 09-07-2019 notice was issued to the opposite party no.2 and the further proceedings of the said complaint case were stayed by this Court. Subsequently vide order dated 03-09-2013 when none was present on behalf of the applicants to press the instant application, the instant application was dismissed in default and the interim order granted earlier was vacated. Subsequently, the applicants herein has filed an application for restoration of the order 03-09-2013. Vide order dated 06-12-2013 the applicants were directed to supply the copy of the restoration application to the opposite party no.2, however, from the record it is not apparent that the copy of the application has ever been supplied to the counsel for the opposite party no.2 or the said application has ever been pressed.

4. In view of the vacation of the interim order vide order dated 03-09-2013, it appears that the trial court would have proceeded in accordance with law and by the lapse of time this application has become infructuous, therefore, the instant application for restoration is **dismissed** for want of prosecution as none is present to press the same even in the revised call.

Order Date :- 31.10.2023

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