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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 1138/2016

GURDEV SINGH & ORS Petitioner
Through Mr. Jagjit Singh, Advocate.

versus

ISHWARI DEVI Respondent
Through None.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

% **ORDER**
11.11.2016

CM No. 41955/2016 (exemption)

Allowed subject to all just exceptions.

CM(M) 1138/2016 and CM No. 41956/2016 (delay)

1. By the present petition filed under Article 227 of the Constitution of India, the petitioners seek to impugn the order dated 31.05.2016 whereby the appellate court dismissed the appeal on the ground that none had appeared for the petitioners.
2. It was put to the learned counsel for the petitioners that the appropriate remedy for the petitioners would be to approach the concerned court again with an application to explain sufficient cause for non-appearance on 31.05.2016 and seeks restoration of the appeal. He fairly submits that he would have no objection doing it but while pursuing the present petition, the issue of limitation would affect him.

3. Let the petitioner approach the concerned court with an appropriate application. The time spent in filing the present petition till this order would be subject to condonation as per law.

4. Accordingly, the present petition and all pending applications stand disposed of.

JAYANT NATH, J

NOVEMBER 11, 2016

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