



2. The plaintiffs filed application on 23/03/2010 for restoration of the Suit. According to the petitioners, they reside in remote hilly area which is far away from the City limits and moreover, their financial condition is also not very sound. The petitioners were not aware of the date fixed due to some communication gap and therefore they could not remain present before the trial Court on 04/02/2010. The petitioners had also filed affidavit of examination-in-chief in the said Misc. Civil Application No. 96 of 2010. The respondents, however, did not lead any evidence, therefore on 03/10/2015, the trial Court was pleased to close the evidence of the respondents. The learned trial Judge by the impugned order dated 01/01/2016 rejected the application filed by the petitioners for restoration. According to the learned trial Judge, no satisfactory explanation is forthcoming from the petitioners for their absence on 04/02/2010 and therefore, the application for restoration came to be rejected by the trial Judge.

3. Learned AGP opposes the present Petition and

supported the order passed by the trial Judge. In my opinion, in the interest of justice, Civil Misc. Application No. 96 of 2010 passed by the petitioners for restoration of the Suit deserves to be allowed. There is no dispute that the petitioners are the residents of remote hilly area and are not of sound financial condition. According to the petitioners, due to some communication gap, they were not informed the next date of hearing i.e. 04/02/2010. It is nobody's case that the petitioners's - original plaintiffs were continuously remaining absent on the earlier occasions. In this view of the matter and in the interest of justice, present Petition is allowed in terms of prayer clause (a). The Petition is accordingly disposed of.

**(M.S.KARNIK, J.)**