

**121 CM-25869-CII-2016 and
239 IOIN FAO-3825-2002 in
FAO No.3825 of 2002.**

HIMANSHU VS SHAM LAL ETC.

Present: Mr. Parminder Singh, Advocate
for the applicant-appellant (s).

CM-25869-CII-2016

This is application for restoration of appeal dismissed on 21.11.2016 due to non-appearance of appellant or his counsel.

Learned counsel for the applicant-appellant submits that on 21.11.2016, he had directed his colleague Ms. Kamlesh, Advocate to appear but inadvertently, she had put in appearance on behalf of respondent No.2 instead of appellant, resulting in dismissal of the appeal. Regarding correct address of respondent No.3, he submits that he could not be located despite best efforts and he intends to move application seeking his service through alternate mode.

In view of submission of counsel for the applicant-appellant, the application is allowed. Order dated 21.11.2016 is recalled and main appeal is ordered to be restored at its original number.

FAO-3825-2002

List as per roster.

IOIN-FAO-3825-2002

Office note perused. In the final order dated 21.11.2016, there is typographical mistake in the number of the appeal as RSA No.3825 of 2002 instead of FAO No.3825 of 2002.

Registry is directed to do the necessary correction by giving a note in the margin of the order dated 21.11.2016.

Disposed of accordingly.

February 03, 2017
Sachin M.

**(SURINDER GUPTA)
JUDGE**