

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

-.-

**C.M Nos. 11701-02-C of 2018 in
R.S.A No. 3893 of 2006 (O&M)
Date of decision: 02.11.2018**

Suraj Pal

... Appellant

Vs.

Balbir Prashar

...Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Kul bhushan Sharma, Advocate,
for the applicant-appellant.

Mr. M.K. Sood, Advocate, for the respondent.

AMIT RAWAL, J. (Oral)

C.M Nos. 11701-02-C of 2018

Prayer in the application is for restoration of RSA No. 3893 of 2006, which was dismissed in default vide order dated 24.05.2016, whereby the appellant had refused to accept the notice issued in pursuance to the fact that the matter was remanded by the Hon'ble Supreme Court after setting aside the main order dated 22.10.2009.

The present application is also accompanied by application for condonation of delay of 750 days in filing the application for restoration. When the afore-mentioned application came up for hearing on 03.08.2018, this Court following has passed the following order:-

“ Learned counsel for the applicant/appellant submitted that he does not press the judgment on merits, in case, this Court inclines to restore the appeal as the application for restoration is accompanying by an application seeking delay of

750 days and would be satisfied with the previous order dated 22.10.2009, which has been set aside by Hon'ble Supreme Court.

There would not have been any necessity to move an application, as the previous order dated 22.10.2009 passed by this Court has been set aside by Hon'ble Supreme Court.

Notice of this application to the non-applicant/respondent at the address given in the memo of parties for 24.08.2018.

Process dasti only.”

In view of the reasons mentioned in the application for restoration of the main appeal, which is accompanied by affidavit for condonation of delay of 750 days is allowed and delay of 750 days in filing the restoration application is condoned. Order dated 24.05.2016 is restored and main appeal is taken on the board for hearing today itself.

R.S.A No. 3893 of 2006 (O&M)

Learned counsel for the appellant prays that he would be satisfied if the previous order dated 22.10.2009 passed by this Court is restored and the appeal be disposed of in terms of orders dated 22.10.2009 with the rider that he is permitted to withdraw Rs.5 lakhs in accordance with law.

Ordered accordingly.

November 02, 2018
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(AMIT RAWAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No