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

+ W.P.(C) 4296/2014

MOHD. ASLAM KHAN & ORS

..... Petitioners

Through: Mr. A. Shrestha, Mr. Firoz Khan &
Mr. Raj Gunjan, Advs.

versus

EAST DELHI MUNICIPAL CORPORATION OF DELHI AND

ORS

..... Respondents

Through: Mr. Ajjay Aroraa with Mr. Kapil
Dutta, Advs. for EDMC.
Mr. Rakesh Singh & Mr. Kaliramna,
Advs. for R2, 3 & 4.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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22.02.2019

CM APPL. No. 8559/2019 (for condonation of delay in filing restoration application)

By this application the petitioners seek condonation of 16 days delay in filing the application seeking restoration of the writ petition. All respondents in the matter appear on advance copy. There is no objection to this application being allowed.

2. Accordingly, for the reasons stated in the application, the same is allowed. Delay in filing of the restoration application is condoned. The application stands disposed of.

CM APPL. No. 8558/2019 (for principles of Order IX Rule 4 CPC for restoration)

3. By this application, the petitioners seek restoration of the writ petition which was dismissed *vidé* order dated 04.12.2018 for default of prosecution

since no one had appeared on behalf of the petitioners on 18.09.2018 and 04.12.2018.

4. It is stated in the application that non-appearance was for the reason that the petitioners' previous counsel was not aware of the dates in the matter and had omitted to notice the matter in the cause-list. It is further stated that the previous counsel also refused to appear for the petitioners and the petitioners were unable to get the file back from the previous counsel; whereupon the petitioners applied for a certified copy of entire paperbook.

5. In view of the above, the petitioners say they have engaged new counsel, who has filed the present petition.

6. Counsel for the respondents have no objection to the petition being restored.

7. For the reasons stated in the application and considering the relief claimed, the application is allowed. The writ petition is restored to its original number and position.

8. Pleadings in the matter are stated to be complete.

9. List for arguments on 26th April 2019.

FEBRUARY 22, 2019/uj

ANUP JAIRAM BHAMBHANI, J.