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

+ **FAO(OS) 218/2019**

KANIKA BANSAL (DECEASED) THR LRS & ANR Appellants

Through: Mr.Sushant Kumar, Advocate.

versus

RAJ KUMAR BANSAL

..... Respondent

Through: None.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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06.11.2019

C.M.No.48278/2019 (Exemption)

1. Allowed, subject to all just exceptions.

C.M.No.48279/2019 (Delay)

2. For the reasons stated in the application, the delay of 12 days in re-filing the appeal is condoned. The application is disposed of.

FAO(OS) 218/2019 and C.M.No.48280/2019 (Direction)

3. The present appeal is directed against the order dated 26th August, 2019 passed by the learned Single Judge declining to condone the delay of 325 days in seeking the restoration of suit which was dismissed for non-prosecution on 11th September, 2018.

4. As the delay of 325 days is extraordinary, the learned Single Judge has examined the matter in detail and has come to the conclusion that the Plaintiffs have not been able to establish sufficient reasons for being granted

a condonation.

5. This court has also carefully perused the application for condonation of delay and is of the view that it does not contain satisfactory reasons for the inordinate delay in filing the application for restoring the suit. Learned counsel for the Appellant has also been heard at length. The Court is not persuaded that the learned Single Judge has committed any error in declining the condonation of delay of 325 days.

6. The appeal is dismissed. The pending application is disposed of.

S. MURALIDHAR, J.

TALWANT SINGH, J.

NOVEMBER 06, 2019

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