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

+ **FAO 176/2019**

AJAY KUMAR

..... Appellant

Through Mr. Pratap Singh Parmar, Advocate

versus

SOUTH DELHI MUNICIPAL CORPORATION Respondent

Through None.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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18.12.2019

CM APPL. 45418/2019 (condonation of delay)

Learned counsel for the appellant submits that the appeal of the appellant has been dismissed in default as appellant could not appear in Court. He further submits that the appellant was under the impression that all the four appeals had been adjourned together and subsequently on 16.09.2019 it transpired that this appeal had been dismissed in default.

For the reasons stated in the application, the application is allowed. Delay of 142 days in filing the application for restoration is condoned. The application is disposed of.

CM APPL. 45417/2019 (restoration)

1. Appellant seeks restoration of the appeal dismissed in default

on 22.04.2019.

2. It is contended by learned counsel for the appellant that appellant had filed four connected appeals which were all listed on 22.04.2019 and when he appeared before the Court the appeals were adjourned, however, subsequently it transpired that out of four appeals only three had been adjourned and the present appeal was dismissed in default.

3. Learned counsel for the appellant submits that the appellant was under the impression that all the appeals had been adjourned together.

4. It is observed that on 22.04.2019, the appeal was taken up and dismissed without notice being directed to be issued on the appeals to the respondent.

5. Accordingly, for the reasons stated in the application, the application is allowed. The appeal is restored to its original number.

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Issue notice to the respondent returnable on 23.07.2020.

DECEMBER 18, 2019
‘rs’

SANJEEV SACHDEVA, J