Sr. No.248
After notice list

HIGH COURT OF JAMMU AND KASHMIR
ATJAMMU
(Through Virtual Mode)

CONC No.35/2019 [CM No.223/2019] in
RESC No.3/2019 [CM No.218/2019]

J and K Dharmarth Trust …. Petitioner/Applicant(s)

Through:- Mr. Vikas Mangotra, Advocate.

V/s

Rama Nand …..Respondent(s)

Through:- None.

Coram : HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE

ORDER

CONC No.35/2019

Applicant seeks condonation of delay in filing the restoration application seeking restoration of the appeal (CFA No.29/2005) which was dismissed in default for non-prosecution on 08.02.2018.

Notice in this application was issued on 14.05.2019 and despite appearance, no objection has been filed by the non-applicant. On 25.11.2020, non-applicant was given last and final opportunity of two weeks' for filing objections.

It is submitted that the applicant was all along pursuing the matter and for that, the appeal was pending when some attempts were made by the local in and around the land of temple under reference. Applicant enquired and came to know in the month of January, 2019 that the appeal was dismissed for non-prosecution on 08.02.2018. Thereafter, the applicant immediately enquired and was informed that the appeal was dismissed for non-prosecution. It is further submitted that listing could not be noted as the name of the applicant's counsel

at that time who was contesting the matter did not figure in the cause list, this has resulted in dismissal of the appeal.

For the reasons stated in the application along with the submission made by learned counsel for the applicant at the Bar and in view of the no objection from the other side, there is a sufficient ground for condoning the aforesaid delay is made out. Application is allowed and delay of 334 days' in filing the restoration application seeking restoration of the appeal (CFA No.29/2005) is condoned.

Disposed of as such.

RESC No.3/2019 [CM No.218/2019] is restored to its original number & place and list the same on 21.12.2019.

(Sindhu Sharma)
Judge

JAMMU
15.12.2020
Eva



RAM MURTI
2020.12.18 11:55
I attest to the accuracy and
integrity of this document