

C.M.P.No.4226 of 2017 in
A.S.SR.No.79 of 2012

P.T.ASHA.J.,

The respondents have been served in these applications which have been filed for condoning the delay of 65 days in filing the restoration application in A.S.SR.No.79 of 2012 which was dismissed on 23.12.2016 on account of not serving notice on the respondents. The notice in these applications have been served on both the respondents privately. The Court notice has been returned with an endorsement as 'vacated'. However, the acknowledgement enclosed along with the affidavit of service indicates that they have been served on 14.01.2020.

2. There is no appearance on behalf of the respondents.

3. Considering the fact that the petitioner has given sufficient reasons for the delay at paragraph nos.3 and 4 of the affidavit filed in support of the said petition, the delay is condoned. This Court is convinced with the reasons given for the delay, since it is the very same reason that has been given for the dismissal of the appeal, the appeal is also restored on file.

The appellant shall positively file a batta for taking notice on the respondents through Court by 14.09.2021.

The Registry is directed to number the petition for restoration and post the matter for compliance on 15.09.2021.

09.09.2021

gd/vkr

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