



A.No.4827 of 2023 and C.S.No.414 of 2014

ABDUL QUDDHOSE.J.,

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This application has been filed by the plaintiff, seeking to restore the suit which was dismissed for default on 04.07.2019. As seen from the affidavit filed in support of this application, the present counsel is a new counsel on record for the applicant / plaintiff in place of the old counsel. As seen from the affidavit, when the matter was posted for hearing on 04.07.2019, it was informed by the earlier counsel to the plaintiff about the hearing date. But, however, the new counsel on record for the applicant / plaintiff, even before he could attend the hearing on 04.07.2019, the matter was called and the applicant was called *ex-parte* and the suit was dismissed for non prosecution.

2. This Court is satisfied with the reasons contained in the affidavit filed in support of this application. The learned counsel for the respondent / defendant also has not raised any serious objection for allowing this application. Accordingly, this application is allowed as prayed for and the suit in C.S.No.414 of 2014 is restored to file. Post the matter on 03.11.2023 for filing of written statement by the defendant.

16.10.2023

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