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Application Nos.4679 and 4681 of 2022 in O.P. Nos.524 and 525 of 2014

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ABDUL QUDDHOSE, J.

Saju Kaliyuvilayil Varghese

.. Applicant in A.No.4679 of 2022

Rahul Thanaji Pol

.. Applicant in A.No.4681 of 2019

VS

M/s.Financial Software & Systems (Private) Ltd.
and four others

.. Respondents

These applications have been filed to restore the above Original Petitions, which were dismissed for non prosecution on 09.09.2019.

2.Earlier, by giving the very same reasons as found in the affidavit filed in support of these applications, the applicants had filed Application Nos.4068 and 4070 of 2022 seeking to condone the delay of 56 days in filing the instant applications.

3.A counter affidavit was also filed by the first respondent in those applications as well.



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4.This Court, by its Order dated 12.10.2022 in Application Nos.4068

and 4070 of 2022, allowed those applications and condoned the delay of 56 days in filing those applications seeking to restore the Original Petitions, which were dismissed for non prosecution. This Court has observed in the Order dated 12.10.2022 that sufficient cause has been shown by the applicants for allowing those applications filed to condone the delay of 56 days in filing these applications, which have been filed to restore the Original Petitions, which were dismissed for non prosecution. The order dated 12.10.2022 passed by this Court in A.Nos.4068 and 4070 of 2022, which have now attained finality, is indirectly being challenged by the applicants. The very same reasons are also stated in these applications, which have been filed to restore the Original Petitions, which were dismissed for non prosecution.

5.The applicants have pleaded in the affidavit filed in support of these applications that they were not aware of the day to day hearings of the original petitions as they were not informed of the same by his counsel, which is disputed by the respondents as seen from the counter affidavit filed in these applications. The very same dispute was raised by the respondents



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in A.Nos.4068 and 4070 of 2022 as well. The very same objection was rejected by this Court as seen from the order of this Court dated 12.10.2022 passed in A.Nos.4068 and 4070 of 2022. This Court has observed that sufficient cause has been shown by the applicants for condoning the delay of 56 days in filing these applications, which have been filed to restore the Original Petitions, which were dismissed for non prosecution.

6.Since the order dated 12.10.2022 passed by this Court in A.Nos.4068 and 4070 of 2022 has attained finality, the respondents have not challenged the said order. The reasons given by the applicants for allowing these applications have to be accepted as they are found to be satisfactory.

7.Accordingly, these applications are allowed as prayed for and the Original Petitions are restored to the file of this Court. Post the O.Ps for final disposal on 31.08.2023.

16.08.2023



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16.08.2023