

was traveling abroad. He submits that the Appellant has a good case on merits. The Appellant has not taken any advantage of the said delay.

5) Learned Advocate for Respondent No.5 has filed his affidavit in reply and vehemently opposed the Application on the ground that, the Appeal has become infructuous, however, this aspect needs to be examined only after hearing the aforesaid Appeal on merit. In other words, the Appeal cannot be thrown out at the threshold. Hence, there is no hurdle to condone the delay and restoration of the Appeal.

6) As this Court expressed the opinion for condoning delay in filing this Application and for restoration of Appeal, learned Advocate for Applicant on instructions submitted that, the Applicant will pay a cost of Rs.10,000/- to Kirtikar Law Library within a period of two weeks from the date of uploading of present Order. The said statement is accepted as an undertaking given to this Court. Hence, following Order :-

ORDER

- (a) Application is allowed.
- (b) Delay of 79 days in filing this Application is condoned, subject payment of cost of Rs.10,000/- to Kirtikar Law Library within a period of two weeks from the date of

uploading this Order on the official website of this Court.

(c) The Appeal stands restored immediately along with ad-interim relief, if any granted earlier.

(d) The office objections shall be removed within two weeks from today.

7) Application is disposed of, accordingly.

[SHYAM C. CHANDAK, J.]