



WEB COPY



A. No.4346 of 2024

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in
C.S. (COMM. DIV.) No.146 of 2023

ABDUL QUDDHOSE, J.

This application has been filed seeking to restore the suit, which was dismissed for default on 21.06.2024. As seen from the affidavit filed in support of this application, it has been categorically stated that the plaintiff's witness was present on the specified date before the learned Additional Master II. According to the applicant / plaintiff, there was no attempt on the part of the applicant / plaintiff to protract the trial.

2. A counter affidavit has also been filed by the respondent. However, the said fact as pleaded by the applicant / plaintiff that the plaintiff's witness was present on the specified date has not been disputed by the respondent / defendant in its counter affidavit.

3. Since sufficient cause has been shown by the applicant / plaintiff for allowing this application, this Court will have to necessarily allow this application as prayed for. This application has also been filed immediately after the suit was dismissed for non prosecution on 21.06.2024 and there is no delay on the plaintiff's part to file this application .

4. For the foregoing reasons, A. No.4346 of 2024 is allowed as prayed for and the suit is restored to file.



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5. Both the learned counsels are directed to file a revised joint Case Management Schedule for this Court's consideration before the next hearing date.

6. Post the matter for **Case Management Hearing on 09.12.2024.**

18.11.2024

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