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C.R.P. No. 11398 of 2024

C.M.P. No. 11398 of 2024

in

CRP No.2688 of 2015

BATTU DEVANAND, J.

This petition has been filed seeking to set aside the order of dismissal dated 09.08.2023 in CRP No.2688 of 2015 and to restore CRP.No.2688 of 2015 to its file.

2.Heard the learned counsel for the petitioner and perused the material available on record.

3.Considering the submissions made by the learned counsel for the petitioner and also after perusal of the averments stated in the accompanying affidavit, to examine the bona fide of the petitioner, this Court vide its order dated 26.06.2024, directed the petitioner to pay a sum of Rs.10000/- to the first defendant within one week towards costs.

4.The learned counsel for the petitioner filed a memo of costs, wherein, it has been stated that since the first defendant died, the amount of costs were paid to the eldest son of the deceased first defendant i.e., the fourth respondent herein by way of



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Demand Draft bearing no.546271 dated 28.06.2024, drawn on Indian Bank, Temple View Branch.

5. Being satisfied with the reasons stated in the affidavit filed in support of this petition, this Court is inclined to allow this petition.

6. Accordingly, this Civil Miscellaneous Petition is allowed and the order of dismissal dated 09.08.2023 is set aside and CRP.No.2688 of 2015 is restored to file.

7. List the Civil Revision Petition for final hearing in usual course.

04.07.2024

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