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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **MAC.APP. 468/2024**

JATIN GUPTA

.....Appellant

Through: None.

Versus

AJIT SINGH & ORS.

.....Respondents

Through: Mr. Pankaj Seth, Advocate

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **27.11.2024**

CM APPL. 69250/2024

1. There is delay of 30 days in re-filing the accompanying Application seeking restoration of the Appeal, which was dismissed in default on 05.09.2024.

2. For the reasons stated, the delay is condoned and the Application is allowed and accordingly disposed of.

CM APPL. 69249/2024

3. The present Application has been filed on *behalf of the Appellant* seeking restoration of the Appeal, as the same was dismissed in default on 05.09.2024.

4. It is submitted in the Application that the Appellant was under the impression that the file would be under objection and on the very next day the case was set for hearing and due to this, the counsel for the



Appellant could not appear before the Hon'ble Court on 05.09.2024. After two days, when counsel for the Appellant enquired about the case, he came to know that the case has been dismissed due to non-appearance on the very first date.

5. It is submitted that the Appellant is suffering from hardship in managing the basic needs of life and would suffer if the Appeal is not restored.

6. For the reasons stated in the Application, it is allowed and the Appeal is restored to its original position.

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7. List for arguments on 23.04.2025.

8. Trial Court record be requisitioned.

NEENA BANSAL KRISHNA, J

NOVEMBER 27, 2024

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