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A.No.2329 of 2026
in
A.No.4818 of 2017
in
CS.D.No.25376 of 2014

MASTER
24.06.2026

ORDER

1. This is an application filed by the applicant/plaintiff to set aside the order of dismissal dated 08.12.2017 passed by this Court in A.No.4818 of 2017 and to restore the said application. The learned counsel for the applicant submitted that there was a delay in re-presenting the returned case papers in CS.D.No.25376 of 2014 and therefore he filed A.No.4818 of 2017 to condone the delay of 993 days in re-presenting the suit and notice was ordered to the respondent in the above said application and was posted before this court on 08.12.2017, unfortunately his junior advocate has wrongly noted the date of next hearing. While so, it came to the knowledge of the counsel that the case was posted on 08.12.2017 on checking the cause list and immediately he rushed to the court but found that the said application in A.No.4818 of 2017 was dismissed for default for non-prosecution. It is further submitted that this court in the previous application has condoned the delay of 378 days in filing this application in A.No.455 of 2026 dated 09.02.2026. On perusal of the case records it is found that the applicant herein has filed an application in A.No.1206 of 2025 to condone the delay of 2057 days in representing the A.SR.No.148533 of 2019 in A.No.4818 of 2017 which was dismissed by this court by an Order dated 12.08.2025 as against which the applicant filed an appeal in A.No.4903 of 2025. While allowing the said application Hon'ble High Court has observed that due to the mistake occurred in the advocate's office, the parties cannot suffer and therefore, in order to meet the ends of justice and to give a fair chance to the



parties it is appropriate to allow this application and has set aside the order passed by this court dated 12.08.2025 in A.No.1206 of 2025.

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2. Following the same analogy this court is of the opinion that here in this application also the mistake occurred due to the junior counsel wrongly noting down the hearing date and so the innocent litigant cannot be put at sufferance for the fault committed by his advocate

Accordingly, this application is allowed. No cost.

MASTER