

This case taken on board upon the advance application.

Learned advocate for plaintiff has filed IA under section 151 of CPC seeking to restore the above suit.

In the memorandum of facts it is stated that, the plaintiff has filed the above suit for the relief of Partition and Separate Possession. On 20.03.2024 the above case was called out, at the time the plaintiff unable to attend before this court due to ill health and the counsel for plaintiff also engaged in another court. Hence this court has dismissed the above suit for non prosecution. Further stated that the plaintiff having good grounds to prove his case. Hence prays to provide one more opportunity to prove his case.

On perusal of order sheet it is found that, the plaintiff has not been taken proper steps against defendant no.2. Further on 20.03.2024 the above matter was posted for steps. On that day the plaintiff and his counsel absent before the court. Hence this court has dismissed the suit for non prosecution.

On the same day the learned advocate for plaintiff has filed the above application for the purpose of restoration of above suit.

On perusal of order sheet it is found that, the plaintiff has filed the above suit for the relief of Partition and Separation Possession. Further after dismissal of the above suit the plaintiff within 24 hours has filed the above application for restoration of above suit.

Further the reasons stated in the application are satisfied. Further in order to provide one more opportunity it is necessary to allow the application. In the interest of justice and equity it is necessary to allow the application.

Hence I.A under section 151 of CPC filed by the plaintiff is hereby allowed on cost of Rs.500/-. Accordingly the O.S.No.236/2022 is hereby restored.

Office is hereby directed to restore the above suit and put up on 28.03.2024.

**Addl.CJ and JMFC.,  
T. Narasipura**