

**THE COURT OF PRINCIPAL DISTRICT JUDGE, SAMBA**

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Case No. : 128/2022  
CNR No: JKSB020010952022

Date of Institution : 04.11.2022  
Date of Order : 25.05.2023

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| <b>Bhawani Singh</b><br>(Through Mr. Sangram Slathia<br>Advocate) | <b>vs</b> | <b>Kashmir Singh and ors.</b><br>(Through Mr. Rahul Singh Sambyal<br>Advocate) |
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In the matter of:

Application for restoration of above titled suit to its original number and date which was dismissed in default on 12.03.2020.

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**PRESENT: Y.P. KOTWAL**

(UID No: JK00051)

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**ORDER**

1. Through the medium of the instant application, the applicant is seeking restoration of the suit which was dismissed in default on 12.03.2020, precisely on the grounds that since the matter was involving family property and parties in the suit are belonging to the same family so, with the intervention of the court, the matter was referred to mediation by an order dated 04.07.2019 and Advocate S.S. Sambyal was appointed as mediator in the case. It is alleged that both the parties started appearing before the mediator and in the meanwhile, due to National Lockdown imposed on 23.03.2020, the parties could not appear in the court and finally after the removal of the COVID restrictions, the applicants again started appearing before the mediator and did not cause their appearance in the court resultantly, the case was dismissed for non-appearance and no prosecution of plaintiff.
2. It is further alleged that the absence of the applicant before the court was not intentional and deliberate but due to the reasons mentioned in the application.
3. Copy of the restoration application has been furnished to other side for filing objections to the same.

4. Today, non-applicant filed the objections admitting the claim of the applicants with further submission that they have no objections in case the suit dismissed in default on 12.03.2020 is restored to its original number.
5. Keeping in view the facts and circumstances of the case, grounds mentioned in the application and reply filed by non-applicant, in my considered opinion, the non-appearance of the applicant in the suit dismissed in default on 12.03.2020 is not intentional or deliberate, but due to the reasons that the parties on the directions of this court were causing appearance before the mediator and subsequently due to COVID restrictions, could not appear before this court, so in the interest of justice, application needs to be allowed. Moreover, no prejudice shall be caused to the other side, by allowing the application.
6. Thus, the application is allowed and the suit titled above is restored to its original number. Application is disposed of, shall form part of the suit file. Office is directed to fix the suit for hearing on **17.08.2023**.

Announced  
25.05.2023

**(Y.P. Kotwal)**  
**Principal District Judge,**  
**Samba**