

Balwant Singh V/S Satnam Singh

Present:Sh.Manpreet Singh Gulati, Adv., Counsel for applicants/appellants.

None for respondent.

Notice issued to respondent received back duly served but none has appeared on behalf of respondent.

Heard on application for restoration of appeal dismissed in default on 18.04.2022. It is averred that appellant Balwant Singh had expired and an application for impleading LRS of Late Balwant Singh was moved through counsel on 10.02.2021 and case was adjourned to 17.03.2021 for filing reply to the application by respondent but the respondent had not filed reply on 17.03.2021 and appeal adjourned to 18.05.2021 for filing of reply. It is further averred that when applicants filed an application for impleading of LRS of late Balwant Singh on 10.02.2021, their counsel asked them they need not to come in the court on every date of hearing as he will appear on their behalf. The absence of the applicants from the court was neither intentional nor willful but due to negligence of their old counsel and he prayed to allow the application.

Keeping in view the facts and circumstances, present application for restoration of the appeal is hereby allowed subject to cost of Rs.3000/- to be deposited in free legal aid. Papers be attached with the civil appeal. Ahlmad is directed to restore the civil appeal on its original number.

Now to come up on 04.08.2022 for payment of cost and for arguments.

Date of order:29.04.2022

Ramesh Kumar Steno-II

(Rajesh Kumar)
Addl. District Judge, ASR.
UID NO.PB0441