

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 17739 of 2025**=====
M/S GUPTA EXIM PVT.LTD. & ORS.**Versus****M/S AKHILESH MANGLIK**
=====**Appearance:****MR AR GUPTA(1262) for the Petitioner(s) No. 1,2,3**
=====**CORAM:HONOURABLE THE CHIEF JUSTICE MRS.
JUSTICE SUNITA AGARWAL
and
HONOURABLE MR.JUSTICE D.N.RAY****Date : 06/01/2026****ORAL ORDER****(PER : HONOURABLE THE CHIEF JUSTICE MRS.
JUSTICE SUNITA AGARWAL)**

1. The present petition is directed against the judgment and order dated 21.11.2025 whereby the restoration application filed by the petitioners seeking for restoration of the Commercial Civil Miscellaneous Appeal No.1 of 2025 has been dismissed on merits.

2. The order impugned records that the petitioners have failed to furnish sufficient explanation for non-appearance on the date fixed i.e. on 17.01.2024, when the notice issued by the Commercial Court in Commercial Appeal No.13 of 2023 was duly served upon the care-taker at the address given by the petitioners in the memo of appeal itself.

3. Learned Counsel for the petitioners would submit that the petitioners are ready to bear the cost for restoration of the appeal and the non-appearance may not non-suit the petitioners.

4. A Demand Draft No.308659 dated 29.12.2025 for an amount of Rs.50,000/- in the name of Gujarat State Legal Services Authority has been furnished in the Court, which is taken on record.

5. Let a notice be issued to the respondent returnable on 03.02.2026. Necessary steps be taken within a period of one week.

6. The Demand Draft supplied in original to the Court shall be kept in a sealed cover in the custody of the Registrar General of the High Court, the decision on which shall be taken at the stage of the final decision in the present petition.

(SUNITA AGARWAL, CJ.)

(D.N.RAY, J.)

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