



2017:HHC:8867

Savitri Devi Vs. HPSEB

FAO No. 406 of 2011

28.4.2022 Present: Mr. Ajay Sharma, Advocate vice Mr. Peeyush Verma, Advocate, for the applicants-appellants.

Mr. Vikrant Thakur, Advocate, for the respondent/non-applicant.

CMP No. 14702 of 2021 & CMP(M) No. 1161 of 2021

The application bearing No. 14702 of 2021 has been filed by the appellants/applicants for restoration of appeal, which was dismissed in default on 13.12.2017 alongwith CMP(M) No. 1161 of 2021 for condonation of delay.

Since despite repeated opportunities, the respondent has failed to file reply, therefore, it can legitimately be inferred that he does not want to oppose these applications.

That apart, I find merit in the contentions of the applicants that they were under the bonafide belief that the appeal in question was pending consideration and would be heard and decided in due course. Accordingly, the application is allowed and FAO No. 406 of 2011 is ordered to be restored to its original number.



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Delay in filing CMP No. 14702 of 2021 is also condoned.

The applications stand disposed of.

(Tarlok Singh Chauhan)
Judge

April 28, 2022
(Kalpana)