



FA 64/2016

Hon'ble Servesh Kumar Gupta, J.

Mr. V.D. Bisen, Advocate, for the applicants/appellants.

None for the respondent.

Mr. Bisen submits that he could not mark the posting of the matter on 16.12.2016.

Restoration application (MCC 417/2017) has been moved with the delay of 112 days. This application is supported with the affidavit of appellant no. 2.

None appeared on behalf of the respondent despite the notices have been sent by the Registry.

It is also pertinent to mention that none was turning up on behalf of the respondent even prior to dismissal of the appeal and despite of personal service, as reported by the Registry vide endorsement dated 15.9.2016.

In these circumstances, delay condonation application (CLMA 5018/2017) is allowed. Delay is condoned. Restoration application is also allowed Appeal is restored to its original number.

Summon the LCR.

Let a fresh notice be sent again to the respondent.

Steps within a week.

(Servesh Kumar Gupta, J.)

28.10.2017



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