

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A.Nos. 1 and 2
IN
CIVIL APPEAL NO(s). 3036 OF 2004

KARTICK CHANDRA MONDAL & ORS. Appellant (s)

VERSUS

BADAL KUMAR DAS & ORS. Respondent(s)

O R D E R

Civil Appeal No. 3036 of 2004 was dismissed for default by Order dated 22.09.2010. Subsequently, an application came to be filed for restoration of the appeal only on behalf of Appellant No. 1 out of eight appellants.

As the said application was found to be defective in various aspects, the Registry called upon the learned counsel to rectify the various defects pointed out therein. The defects pointed out by the Registry are as follows :-

- i) Vakalatnama/appearance of Appellant Nos. 2 to 8 is required to be filed.
- ii) Copy of the application has not been served on Mr. Sekhar Kumar, Advocate for Respondent Nos. 1 to 8 and 9 and 13.
- iii) Date of dismissal has not been mentioned in application.
- iv) 3 sets of appeal paper books have not been filed.

As regards Defect No. 1, counsel appearing for Appellant No. 1 cannot be compelled to seek the restoration of the appeal on behalf of all the appellants. The Registry is directed not to press Defect No. 1 on Appellant No. 1.

It appears that the other defects pointed out by the Registry remained unattended for some time. Therefore, by an Order dated 19.10.2012 of the Registrar (Judicial-I), the above mentioned application was directed to be lodged under Order X Rule 6(3) and 6(4) of the Supreme Court Rules, 1966.

Subsequently, three defects pointed out by the Registry have been cured by the applicant.

Under the circumstances, delay in filing the appeal against the Order of the Registrar (Judicial-I) is condoned.

Accordingly, the Order dated 19.10.2012 of the Registrar (Judicial-I) is set aside and the appeal against the Order of the Registrar (Judicial-I) is allowed. I.A.Nos. 1 and 2 are allowed.

Further, delay in filing the application for restoration is condoned and Civil Appeal No. 3036 of 2004, in so far as it pertains to Appellant No. 1, is restored to its original number.

Learned counsel for the applicant undertakes to serve all the necessary documents to the learned counsel for the respondents within two weeks.

.....J.
[J. CHELAMESWAR]

New Delhi;
February 25, 2013.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

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IN
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KARTICK CHANDRA MONDAL & ORS. Appellant (s)

VERSUS

BADAL KUMAR DAS & ORS. Respondent(s)

(APPEAL BY WAY OF I.A. AGAINST REGISTRAR'S OREDR and C/DELAY AND OFFICE REPORT)

Date: 25/02/2013 This Appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J. CHELAMESWAR
(In Chambers)

For Appellant(s) Mr. Anurag Pandey, Adv.
Ms. Vijay Lakshmi, Adv.
Ms. Reena Pandey, Adv.
Mr. Gautam Dass, Adv.
Mr. V.K. Monga, Adv.

For Respondent(s) Mr. R.K. Gupta, Adv.
Mr. M.K. Singh, Adv.
Mr. Shekhar Kumar, Adv.

Mr. Bikas Kar Gupta, Adv.
Mr. Avijit Bhattacharjee, Adv.

UPON hearing counsel the Court made the following
O R D E R

I.A.Nos. 1 and 2 are allowed and Civil Appeal No. 3036 is restored to its original number in terms of the signed order.

| (Jayant Kumar Arora) | | (S.S.R.Krishna) |
| Sr. P.A. | | Court Master |

(Signed order is placed on the file)