

Anil Vs. Smt. Mamta

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SooperKanoon Citation : sooperkanoon.com/1048944

Court : Madhya Pradesh

Decided On : Jul-13-2012

Appellant : Anil

Respondent : Smt. Mamta

Advocate for Pet/Ap. : Shri. Wakeel Khan

Judgement :

1....M.C.C.No.754 o

13. 7.2012 Shri Wakeel Khan, Counsel for the applicant.

Ms.Aparna Singh, Counsel for the respondents.

This application is filed for restoration of F.A.283/2008 which was dismissed in default because of non-compliance of a peremptory order dated 7.10.2009.

This application is barred by limitation of near about three yeaRs.for which applicant has filed another application I.A.7343/12 under Section 5 of Limitation Act.

Considering the fact that the default was in respect of non-furnishing the list of documents to be included in the paper book, we find it appropriate to allow both the applications but because of inordinate delay in filing this application we find it appropriate to impose cost of Rs.1,000/- on the applicant which shall be paid by

the applicant to the non-applicant by money order.

The applicant shall make payment of the aforesaid cost by payment of the aforesaid amount through Money Order or Pay order payable on the name of the non-applicant and not furnishing documentary proof in this regard in the Registry within a period of one week from today's office to restore F.A.283/2008 to its number and to place it before an appropriate Bench.

In case the aforesaid order is not complied with, earlier order of dismissal of the appeal shall stand.

This MCC is finally disposed of.

C.C.as per rules.

(Krishn Kumar Lahoti) (Smt.

Vimla Jain) Judge Judge 2....M.C.C.No.754 o

13. 7.2012 vj

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