

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

This Is 7th Date for Preliminary Hearing Only. on Vs. Bhajan Singh and Others --respondents

This Is 7th Date for Preliminary Hearing Only. on Vs. Bhajan Singh and Others --respondents

SooperKanoon Citation : sooperkanoon.com/1140711

Court : Punjab and Haryana

Decided On : May-13-2014

Appellant : This Is 7th Date for Preliminary Hearing Only. on

Respondent : Bhajan Singh and Others --respondents

Judgement :

CM No.13384-C of 2013 1 In the High Court for the States of Punjab and Haryana at Chandigarh.

CM No.13384-C of 2013 in Rs.No.771 of 2009.

Decided on 12.5.2014 Mukhtiar Singh --Applicant versus Bhajan Singh and others --Respondents CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN Present: Mr.G.L.Bajaj,Advocate, for the applicant Rakesh Kumar Jain,J.(Oral) This appeal was dismissed in default on 9.2.2010 with the following order:- None is appearing for the appellant.

This is 7th date for preliminary hearing only.

On every date of hearing, request for adjournment was made.

Today none has appeared for the appellant.

Dismissed for non-prosecution. Thereafter, the applicant/appellant filed CM No.2435-C of 2010 for restoration of the appeal.

Said application was allowed on 19.3.2010 subject to payment of Rs.2000/- as costs with the Registry of this Court.

Thereafter, following order was passed on 12.10.2010:- Learned counsel for the applicant/appellant prays for adjournment as the arguing counsel is not well.

Perusal of the record reveals that the appeal was dismissed for non-prosecution on 09.2.2010.

However, Ram Rikhi 2014.05.19 17:18 I attest to the accuracy and integrity of this document CM No.13384-C of 2013 2 on appellant's application vide order dated 19.3.2010, the appeal was ordered to be restored subject to deposit of Rs.2000/- as costs with the Registry of the Court and the case was adjourned to 25.5.2010 so that the cost amount could be deposited in the meanwhile.

However, cost amount was not deposited and on the request of counsel for the appellant, the case was adjourned from 25.5.2010 to 21.7.2010 granting last opportunity for depositing the cost amount in the meanwhile.

However, again till 21.7.2010 cost amount was not deposited.

On the contrary, none appeared for the appellant on 21.7.2010 and the case was adjourned for today, but even till date, the cost amount has not been deposited.

Accordingly, there is no ground for further adjournment of the case merely because the counsel is not well.

Since conditional cost for restoration of the appeal is not deposited, restoration application bearing CM No.2435-C for 2010 stands dismissed. According to the aforesaid order, the application for restoration was dismissed.

Counsel for the applicant has submitted that he had filed another application bearing CM No.13384-C of 2013 for the purpose of depositing the cost.

The said application is listed before this Court today.

Counsel for the applicant has submitted that he could not contact his client for depositing the cost, therefore, he may be given one more opportunity for the purpose.

I have heard counsel for the applicant and after examining the record, it is found that application for restoration has already been dismissed and at this stage, no useful purpose would be served by depositing the cost of Rs.2000/-.

Consequently, the application is totally misconceived and the same is hereby dismissed.

12.5.2014 (Rakesh Kumar Jain) RR Judge Ram Rikhi 2014.05.19 17:18 I attest to the accuracy and integrity of this document

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com