

(2007) 11 UK CK 0027
In the Uttarakhand High Court

Const. 157 Armed Police Mukesh Kumar Sharma	APPELLANT
Vs	
State of Uttarakhand	RESPONDENT

Date of Decision : 02-11-2007

Acts Referred:

Citation : (2007) 11 UK CK 0027

Hon'ble Judges : Rajeev Gupta, C.J; Prafulla C. Pant, J; J.C.S. Rawat, J

Bench : Full Bench

Judgement

1. Mr. Dinesh Gahtori, Advocate for the petitioner/appellant. Mr. Subhash Upadhyaya, Brief Holder for the respondents.
2. They are heard on CLMA No. 3209 of 2007 (Delay Condonation Application).
3. The restoration petition, filed by the petitioner/appellant on 01.11.2007, is time-barred by more than two months.
4. On due consideration of the submissions of the Learned Counsel for the parties and the grounds taken in the affidavit filed in support of the Delay Condonation Application, we are satisfied that the petitioner/appellant has succeeded in showing sufficient cause for the delay in filing the restoration petition.
5. Therefore, CLMA No. 3209 of 2007 is allowed and the delay, in filing the restoration petition, is hereby condoned.
6. They are heard on M.C.C. No. 1452 of 2007 (Restoration Petition).
7. The petitioner/appellant is seeking restoration of DSPA No. 95 of 2006, which was dismissed for want of prosecution vide order dated 11.07.2007.
8. On due consideration of the submissions of the Learned Counsel for the parties, we are satisfied that the absence of the petitioner/appellant's counsel on 11.07.2007, when DSPA No. 95 of 2006 was taken up for hearing, was based on bonafide grounds.

9. Therefore, M.C.C. No. 1452 of 2007 is allowed and DSPA No. 95 of 2006 is restored to its original number.