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Reserved

Central Administrative Tribunal, Allahabad.

Registration Review Application No. 19-B of 1987

Parsuram Singh ... Applicant.

Vs.

Union of India and others. ... Respondents.

Hon.D.S.Misra,AM
Hon.G.S.Sharma,JM

(By Hon.G.S.Sharma,JM)

The plaintiff in transferred suit no.572 of 1986 has moved this petition for review of our order dated 16.1.1987 dismissing the suit in default of the applicant to seek required amendment.

2. The relevant facts of this case are that the plaintiff had sought some amendment in his transferred suit which was disallowed by this Bench on 31.12.1986 with the observation that the same was not in order and the plaintiff was allowed 15 days time to seek the necessary amendment in proper form. When the plaintiff neither sought fresh amendment nor appeared before the Bench on 16.1.1987, the date fixed after the expiry of the time allowed for the same, and it was brought to our notice by the learned counsel for the defendant that the plaintiff has already retired in the meantime and the suit has become infructuous, we dismissed the suit with the observation that the plaintiff is no more interested in prosecuting the suit. It is alleged in the application for review that on account of mistake of the office of the counsel for plaintiff, the learned counsel could not move the amendment application in time and in the interest of justice, after setting aside the order of dismissal, fresh time be allowed to him for seeking amendment. No objection to this application has been filed despite the service on the other side.

3. We have carefully considered the application for review. We find that as the suit was not dismissed on merits but was dismissed for want of prosecution, the plaintiff should have filed an application for restoration. However, as the application was filed well within the statutory period of 30 days, we treat it as an application for restoration. The learned

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counsel for the plaintiff has taken the blame on himself and as such, the cause shown for non-compliance is deemed to be sufficient.

3. The transferred application is accordingly restored to its original number.

MEMBER(A)

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S. M. Arora
MEMBER(J)

Dated: 2nd June 1988
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