

01-4-97

Honble Mr. Justice B.C. Saxena, V.C.
 Honble Mr. S. Das Gupta A.M.

M.A. No. 1579/96 has been filed seeking condonation of delay in moving the substitution application. MA No. 1580/96 is the substitution application. When this application came up for orders, a plea was raised by the learned counsel for the respondents that delay right from 1991 to 1996 has not been explained. The applicant was granted four weeks time to file SA by the order dated 29-10-96. The matter could not come up on 29-11-96. The learned counsel for the applicant on that date has sought adjournment and no SA was filed explaining reasons for delay.

2. Today when the case was called out, no one responded on behalf of the applicant. The SA that was required to be filed has not been filed. In the circumstances we are not satisfied that any case for condonation of delay in filing the substitution is made out. Consequently substitution application No. 1580/96 deserves to be rejected and is accordingly rejected. MA No. 1579/96 seeking condonation of delay in filing substitution application in view of the absence of any reasons explaining the delay is also liable to be rejected and is accordingly rejected. ~~In view of the~~
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V.C.
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3. Since the substitution application has been rejected and Sri HP Dubey, the original sale applicant has died, the OA is abated and cannot be proceeded with and is accordingly consigned to the record.

Wb
A.M.

Bcl
V.C.

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