

MA 4841/94
OA No. 1824/94

28.11.2001 Hon. Mr. Justice R.R.K. Praveen, VC
Hon. Mr. C.J. K.K. Shrivastava, A.M.

We have heard Counsel for the applicant on the delay Condensation as well as Restoration application. This application has been filed for restoration of the OA which was dismissed on 3.7.01. In the explanation given the application as well as in the affidavit contained in para 4 is that the mistake has occurred due to 'teen july and tees july' being spoken similarly on account of which Counsel for the applicant could not appear on 3.7.2001 and the fact that the order of dismissal in default passed on 3.7.2001 has not been sent to the Counsel so far. By the afore said explanation it has been ^{tried} ^{Counsel} to say that in place of 3.7.01 applicant ^{heard} 30.7.2001. The explanation stands falsified from the record and cannot be accepted. The date 3.7.01 was fixed by the Registrar on 17.4.01. Thus, there was no question of getting wrong impression of the date by the Counsel for the applicant as 30th in place of third. Such dates given by the Registrar ^{are} noted by the clerk which is not denied by the learned Counsel. In the circumstances, the explanation cannot be accepted and the applications are dismissed.


A.M.


VC