

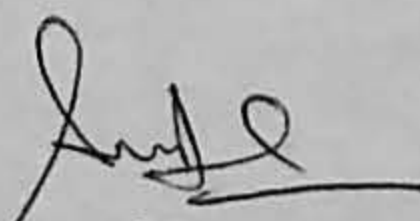
BA 294/94

30.10.98

Hon. Mr. S. Dayal, AM
Hon. Mr. S. H. Aggarwal, JM

Shri R. Verma, learned counsel for the
applicant. Shri A. Mohuley brief holder of Shri A. Stholekar
for the respondents.

Learned counsel for the applicant has filed
MA 1174/98 with the prayer for relief clause be
amended to include para 8 AA in which cancellation
of the trade by order dated 10.6.91 is challenged.
This amendment proposed ~~changes~~ changes entire nature
of relief claimed by the applicant in this case. Which
was for declaration of ~~result~~ result of the trade test
held on 11th & 12th of October 1990. The cancellation of
trade test makes the earlier OA infructuous and
fresh cause of action can be said to have arisen
~~due~~ due to this cancellation, which may be challenged
by means of a different OA. Therefore, the
amendment is not allowed and the OA is dismissed
as having ^{become} infructuous on account of cancellation of
trade test.


JM


AM

