

9.4.02

HON. MR. S. DAYAL, A.M.

HON. MS. MEERA CHHIBBER, J.M.

Sri C.P. Gupta, counsel for applicant and Sri G.P. Agarwal, counsel for respondents.

This is a restoration application filed by the applicant on 8.3.02 even though the O.A. has been dismissed in default as back as on 14.9.2000. I have perused the application. The applicant has not stated the exact date as to when he contacted his advocate and when he came to know that the O.A. had been dismissed in default. In restoration application, specially the one which is barred by limitation, the most important aspect of the matter is the date of knowledge in a case like this where the applicant states his counsel has died. Since the applicant has not bothered to give the date of knowledge, we are not inclined to interfere in the matter or to condone the delay as this application has been filed after more than one year and three months.

In view of the above, the M.A. No.1219/02 is rejected and the restoration application is also rejected.



J.M.



A.M.

Asthana/
9.4.02.