

23.10.2002

Hon'ble Mr. Sarveswar Jha, A.M.
Hon'ble Mrs. Meera Chhibber, J.M.

Learned counsel for the respondents was present. On perusal of the order sheet dated 04.09.2002, it transpires that the learned counsel for the applicant is no more.

Accordingly, a notice was sent to the applicant on 18.09.2002 at address given in the O.A. asking him to engage another counsel or to appear in person on the date fixed for hearing.

However, the notice has been sent back undelivered by the postal authorities with remarks that the ~~process~~ ^{person} had left.

That being the case, ~~it~~ ^{is} ~~not~~ ^{possible} to serve this notice on him again.

At this stage the learned counsel for the respondents submitted that the case was filed by this ~~application~~ ⁱⁿ the year 1995 and the case has not been pursued by the applicant since. It is also learnt from him that while counter affidavit ^{on The applicant} ~~on~~ has been served by him in the year 1996, though a copy of the same is not available on record, and a copy of which is being made available now, a rejoinder is yet to be filed by the ~~applicant~~ ^{applicant}. As almost 7 years have ~~been~~ elapsed and there has been no response or no rejoinder from the applicant, since it appears that the applicant is no longer interested in pursuing the matter. Therefore, it appears quite evident that the matter cannot be proceeded with any further. We are of the view, therefore, that the O.A. be dismissed for non prosecution. With this, the O.A. stands disposed of for non-prosecution.

S.
J.M.

Sarveswar Jha
A.M.

shukla/-