

16.04.2004

Hon'ble Mr. Justice S.R. Singh V.C.

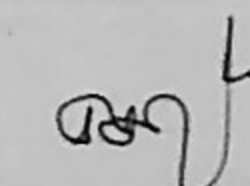
Hon'ble Maj Gen. K.K. Srivastava, A.M.

None for the applicant ~~xxx~~ even in the revised call. Shri V.V. Mishra, holding brief of Shri R.C. Joshi, counsel for the respondents is present.

The O.A. was dismissed in default on 25.04.2003. The Restoration Application No.59/04 came to be instituted on 06.01.2004 alongwith the application for condonation of delay supported with an affidavit has also been filed. The delay in filing the restoration application is sought to be explained on the ground that the applicant was suffering from Jaundice and took a long time in recovery and so he could not appear on the date fixed nor could file the application in time. The affidavit is highly vague and mentions no date of illness etc and there was no medical proof in support of the averments made in the affidavit.

In the circumstances, I am of the view that delay in filing the restoration application has not been sufficiently explained. The delay condonation application is dismissed. The restoration application is also dismissed as barred by time.


A.M.


V.C.

/Neelamp