

21/10/04

Hon. Mrs. Meera Chhibber, J.M.

None for the applicant even in the revised call. On 20/10/04 a detailed order was passed & stated categorically that since applicant's counsel has sent illness slip, matter may be listed on 22/10/04 for passing appropriate orders. Today, Sri I.C. Sinha, counsel for the applicant was very much present in the 1st half of the day, but has left the court knowingly fully well that the case was to be listed today. In this case, respondents have filed M.A. No. 160/04 stating therein that filing of the petition, the applicant had himself made a request for posting him as P.A. Karwi (MDH) & he has since been posted to Karwi vide office on dt. 29/10/03. Applicant has even joined at Karwi on 30/10/03, which is apparent from Annexure SC. They have thus submitted that the applicant has already been adjusted at Karwi on per his own request, therefore, the OA has become infunction. This MA was served on the applicant's counsel on 11/10/04, till date applicant has not filed any reply to the said MA. It seems that the applicant is not interested in pursuing this case & especially keeping in view the averments made in MA No 160/04, applicant does not seem to be interested in pursuing this case. Accordingly OA is dismissed in default & for non prosecution.

B

J.M.