

26.04.2012

Hon'ble Ms. Jayati Chandra, AM

None for the parties even on revised call.

List on 30.05.2012.

*J. Ch.*

AM

/pc/

30.05.2012

Hon'ble Ms. Jayati Chandra, AM

Shri M.K. Updhyaya learned counsel for the applicant and Shri D. Tiwari brief holder of Shri A.K. Pandey, learned counsel for the respondents.

This OA was dismissed in default on 09.08.2008. Restoration application No. 3946/10 was filed on 27.08.2010. It has been observed by this Tribunal on 13.05.2012 that there is no explanation on behalf of the applicant as to why he was not present on the date for the case which was listed on 02.09.2008 when the OA was dismissed in default, thereafter, the delay has not been explained as it should be. 02 weeks time was also given to the learned counsel for the applicant to explain absence and delay on the part of the applicant. Thereafter, time was given to him on 09.04.2012. However, there is nothing on record to demonstrate compelling reasons for delay. The time period for filing restoration application is 30 days from the cause of action i.e. dismissal in default of an application. Hence on the ground of being highly time barred with no cogent reason MA No. 3946/10 is dismissed.

*J. Ch.*

AM

/pc/