

M.A./467/87

in

O.A./465/87

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Coram: Hon'ble Mr. P.M. Joshi

: Judicial Member

1/1/1988

The applicant Mr.S.Natesan Iyer has sent an application for seeking adjournment. Mr.N.S.Shevde the learned counsel for the respondents not present. The applicant's request granted. The respondents are required to file the objections before the next date. The case be posted for further orders on 5/2/1988.


(P.M.Joshi)
Judicial Member

a.a.bhatt

MA/465/87

in

OA/392/87

(4)

Coram : Hon'ble Mr. P.H. Trivedi : Vice Chairman

5/2/1988

Mr.S.Natesan Iyer party in person present.
Mr.N.S.Shevde learned advocate for the respondent
requests for time to file objection. Allowed.
The case be fixed on 15th April, 1988 for final hearing.

P.H. Trivedi
(P.H.Trivedi)
Vice Chairman

a.a.bhatt

M.A./467/87

in

O.A./465/87

(5)

CORAM : HON'BLE MR. P.H. TRIVEDI : VICE CHAIRMAN


17.06.1988 Applicant is absent, though he was informed the date of hearing. Mr. N.S. Shinde, learned counsel present & files his reply.

Heard the applicant in person and Mr. Shinde for the respondents. The applicant's case is that he came to know about the adverse remarks for the year 1982 on 16th January, 1985. Therefore he ought to have filed the application for quashing them ^{with in} one year of the constitution of the Tribunal i.e. before 01.11.1986. But he filed O.A./392/87 on 07.08.1987 i.e. ^{after} expiry of period of limitation. In that application he sought for relief based on the present cause of action. Therefore his attention was drawn to the delay and also to the joinder of causes. Therefore ~~he~~ he filed this separate application on 24.09.1987 and sought for Condonation of delay.

In the application for Condonation of the delay he has stated that the separate application is filed on the advise of the Tribunal. But that does not justify the delay caused in filing the O.A.No./392/87 in which he claimed relief in respect of the present cause of action. It may justify the delay caused after the order dated 04.09.1987 and the date of institution of the present application ~~but not~~ ^{but not} the delay caused in institution of the Original application.

The applicant fails to justify the delay caused in filing the Original application No. 392/87. Consequently there is no justification on his part to seek indulgence of the Tribunal in condoning the delay. Hence the M.A. No. 467/87 is dismissed.

Consequently O.A.No. 465/87 is dismissed as being time barred.


(P.H. TRIVEDI)
VICE CHAIRMAN