

14-3-90

NVK  
OPM & AVH

Mr Galagovindan for applicant  
Mr PVM Nambiar for Res.1&2  
Res-3 not present

The applicant has filed M.P.109/90  
to condone delay. After hearing the counsel  
the delay is condoned and as far as the application  
for restoration is concerned, in view of the  
submissions made by the applicant appearing,  
the application is also restored.

(2)

However, the counsel for the respondents  
submits that this same applicant had earlier  
filed OP No.2657/85 before the High Court of  
Kerala which was transferred and registered here  
as TAK-998/86. That petition sought an identical  
relief. That petition has been dismissed by the  
order dated 28.6.89 on merit.

The judgement has been seen by the  
present counsel of the applicant and he agrees  
that the earlier petition was <sup>for</sup> identical relief  
and that being the case, a second application  
does not lie against. Hence the application is  
dismissed.

order commuted  
on 23.3.90.

File closed on 30.3.90. <sup>RT</sup>

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8M