

Dated:-15.09.2008.

**Hon'ble Mr. M. Kanthaiah, Member (J).**  
**Hon'ble Dr. A.K. Mishra, Member (A).**

App: None.

Resp: Shri B.B. Tripathi for Shri N.K. Agrawal submits that matter is coming for hearing. None for applicant even after revised call work. There is no representation on behalf of the applicant from the last several dates i.e. 05.08.2008, 13.5.2008, 7.4.2008, 5.3.2008, 28.1.2008, 13.12.2007 and also on 1.11.2007, which shows that the applicant is not interest in prosecution of the case as such, OA is dismissed for non-prosecution.

  
**MEMBER (A)**
  
**MEMBER (J)**

Ak//

06.7.2011

Recall App. No.1408/2011 in O.A.  
No.5/2007

**Hon'ble Mr. Justice Alok Kumar Singh, M(J)**  
**Hon'ble Sri S.P. Singh, Member (A)**

Sri S.C. Kashish for applicant  
Sri Rajendra Singh for respondents

M..P. No.1408/2011. This is an application for restoration of O.A. along with delay condonation application. The O.A. was dismissed on 15.9.2008 whereas this application has been moved after more than 2 years. The affidavit does not disclose proper explanation for such an inordinate delay. Moreover, copy of this application was given to Sri N.K. Agrawal, the then learned counsel for respondents which has now been elevated. In his place Sri Rajendra Singh would be appearing in this case, therefore, one more opportunity is given to file reply/objection, if any against this restoration application.

Besides, the applicant's counsel may also file Supple. Affidavit, if he so ~~desired~~ explaining the delay. List on 17.8.2011.

  
**Member (A)**
  
**Member (J)**

HLS/-

OA  
canceled under  
order 15.9.08  
Report  
19.9.08  
OK.  
M.P. No 1408/11 to M.P.  
restoration.  
filed by applicant  
on 6-7-11  
4/7/11