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Recall Appl. 1972/2011
In
C.C.P. 109/2009
In
O.A. No. 420/1995

25.8.11.

Hon'ble Justice Shri Alok Kumar Singh, Member (J)
Hon'ble Shri S. P. Singh, Member (A)

For applicant: Shri Ravi Kant holding brief for Shri Som Kartik.
For respondents: Shri S. Verma.

M. P. 1972/2011:

Heard and perused this application for recalling of order dated 18.7.2011 by means of which, M. P. No. 1896/2010 i.e an application for recall of order dated 19.10.2010 was rejected. We have scrutinized the order dated 18.7.2011 which is a detailed order. As many as three grounds have been mentioned for rejection of M. P. No. 1896/2010. Nothing has been said in the present application as to on what ground this order dated 18.7.2011 should be recalled. The original contempt petition was finally disposed of on 19.10.2010. But as mentioned in our previous order dated 18.7.2011, even the order dated 19.10.2010 was passed disposing of the contempt petition finally on merit after hearing the counsel for the other side and also after going through the material on record.

Finally therefore, we do not find any ground to recall our order dated 18.7.2011. This miscellaneous application No. 1972/2011 is therefore rejected.


Member (A)

vidya


Member (J)

*or
Copy to under
dated 25-8-11
R.K.S.
1-9-2011*

18.7.2011

For Applicant : Sri Ravi Kant for Sri Som Kartik
For Respondents: Sri S. Verma.

M.P. No. 1896/10 : Heard. This is an application for recall of the order dated 19.10.2010 supported by an affidavit.

At the outset it may be mentioned that on 19.10.2010 nobody appeared for the petitioner. Therefore, after hearing the arguments of learned counsel for the respondents and going through the material on record, this Contempt petition was finally disposed of on 19.10.2010.

First of all, there is no provision for recalling the order passed on merit in the Contempt petition or to restore the contempt petition to its original number. Secondly, Contempt petition was disposed of on merits on 19.10.2010 and after about a month i.e. 18.11.2010 this application has been moved, wherein no satisfactory reason has been given for absence.

Thirdly, we have gone through the final order dated 19.10.2010 and found that substantial compliance has already been made and payment has also been made to the applicant vide letter dated 18.11.2009, which has been received by the applicant. It may also be mentioned that the order, in question, dated 16.1.2003 passed by this Tribunal was modified to the some extent by Hon'ble High Court on 7.7.2009. After filing compliance report, no Rejoinder was filed even after seeking sufficient time for the same.

In view of the above, we are not inclined to interfere with our previous order. The application stands finally disposed of.

S.P.
(S.P. Singh)
M(A)

A.K.S.
(Justice Alok K Singh)
M(J)

Girish/-

o/b
Copy of order
dated 18-7-11
Recd
21-7-11

Received copy
for S. Verma
21.7.11 Ado