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Dated: 30-11-95 (31)

Shri M.P. Harjule, counsel for the Applicant was present. He has filed M.P. 555/95 seeking restoration of the O.A. The O.A. was disposed of by the Tribunal in the absence of the Applicant on the ground that on more than one occasion neither the Applicant nor the Respondents

was present.. Accordingly, the same was dismissed on 22-12-1993; thereafter, the Applicant filed the said M.P. on 27-7-95 i.e. after a lapse of nearly 1½ years.

However, on perusal of the CPC, Order 21 Rule 106 (3) which reads as follows :-

"An application under sub-rule (1) shall be made within thirty days from the date of the order, or where, in the case of an ex parte order, the notice was not duly served, within thirty days from the date when the applicant had knowledge of the order."

Admittedly, the Applicant has not filed the M.P. within the specified time. In the circumstances, there is no substance in the M.P. Accordingly, the M.P. 555/95 is dismissed. Copy of the order be given to the parties.

(B.S. Hegde)
Member (J)

ssp.

Letter issued to applicant
on 9-1-96

Toll

R.P. No. 70/96
by circulation

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1995

The matter fixed on _____
for _____ hearing is adjourned
to _____
hearing
Intoun appointed and his
Advocate accordingly.

Deputy Registrar